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ABSTRACT

This document contains testimony, prepared statements, letters, and supplemental materials submitted during three days of hearings held in July, 1977. Under consideration was a bill to extend for five years a number of programs authorized in the Education Amendments of 1974. The Education Amendments of 1974 consolidated a number of categorical programs into two parts under Title IV, Parts B and C. Part B authorizes funds for school library resources, textbooks, and other instructional materials; testing, guidance and counseling; and equipment and minor remodeling to strengthen instruction in the academic subjects. Part C authorizes funds for supplementary education centers and services; strengthening state and local educational agencies; dropout prevention; and demonstration projects to improve school nutrition and health services for low-income children. This consolidation was enacted to simplify the administration of these federal programs, and the hearings were held to learn how the structure appeared to be working. (MLF)

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PART 8: ESEA CONSOLIDATED PROGRAMS

HEARINGS

BEFORE THE

SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

FIRST SESSION

ON

H.R. 15

TO EXTEND FOR FIVE YEARS CERTAIN ELEMENTARY, SECONDARY, AND OTHER EDUCATION PROGRAMS

HEARINGS HELD IN WASHINBTON, D.C.
JULY 26, 27, AND 28, 1977

Printed for the use of the Committee on Education and Labor
Carl D. Perkins, *Chairman*

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
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PART 8: ESEA CONSOLIDATED PROGRAMS

TUESDAY, JULY 26, 1977

House of Representatives,
Subcommittee on Elementary, Secondary and
Vocational Education,
Committee on Education and Labor,
Washington, D. C.

The subcommittee met, pursuant to notice, at 10:04 a.m., in room 2261, Rayburn House Office Building, the Hon. Carl D. Perkins presiding.

Members present: Representatives Perkins and Buchanan.

Staff present: John F. Jennings, majority counsel; Nancy L. Kober, staff assistant; and Christopher Cross, minority senior education consultant.

Chairman Perkins. The Subcommittee on Elementary, Secondary and Vocational Education is resuming hearings on H.R. 15, a bill to extend for five years certain elementary and secondary education programs that expire at the end of fiscal year 1978. For the next three days we will hear testimony on the Title IV Consolidated Programs of the Elementary and Secondary Education Act.

The Education Amendments of 1974 consolidated a number of categorical programs into two parts under Title IV, Parts B and C. Part B authorizes funds for school library resources, textbooks, and other instructional materials; testing, guidance and counseling; and equipment and minor remodeling to strengthen instruction in the academic subjects.

Part C authorizes funds for supplementary education centers and services; strengthening State and local educational agencies; dropout prevention; and demonstration projects to improve school nutrition and health services for low-income children. For fiscal year 1977, approximately $147 million was appropriated for Part B and $185 million for Part C.

This consolidation was enacted to simplify the administration of these Federal programs. A number of administrative changes were effected by these amendments, including giving States wider latitude in choosing where to concentrate their funds and expanding the benefits to private school children. For fiscal year 1976, 50 percent of the funds appropriated were to be used for the consolidation and the remaining 50 percent for the categorical programs. This fiscal year is the first year that all the funds are being administered as a consolidation, and we are anxious to learn during this set of hearings how this structure appears to be working.

We have a distinguished panel today.

PANEL OF DR. THOMAS J. BURNS, ASSOCIATE COMMISSIONER FOR STATE AND LOCAL EDUCATIONAL PROGRAMS, BUREAU OF ELEMENTARY AND SECONDARY EDUCATION, U.S. OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, DICK W. HAYS, ASSOCIATE COMMISSIONER/DIRECTOR, OFFICE OF LIBRARIES AND LEARNING RESOURCES, BUREAU OF ELEMENTARY AND SECONDARY EDUCATION, U.S. OFFICE OF EDUCATION, HEW; DR. ALPHEUS L. WHITE, ACTING DIRECTOR, DIVISION OF STATE EDUCATIONAL ASSISTANCE PROGRAMS, BUREAU OF ELEMENTARY AND SECONDARY EDUCATION, U.S. OFFICE OF EDUCATION, HEW; MISS MARY HELEN MAHAR, CHIEF, SCHOOL MEDIA RESOURCES BRANCH, DIVISION OF LIBRARY PROGRAMS, OFFICE OF LIBRARIES AND LEARNING RESOURCES, BUREAU OF ELEMENTARY AND SECONDARY EDUCATION, U.S. OFFICE OF EDUCATION, HEW; DR. HARRY L. PHILLIPS, DEPUTY ASSISTANT COMMISSIONER FOR LEGISLATION, U.S. OFFICE OF EDUCATION, HEW; PETER J. GOSSENS, LEGISLATIVE ASSISTANT TO THE DEPUTY ASSISTANT SECONDARY FOR LEGISLATION (EDUCATION), HEW; DR. FRANK B. BROUILLET, CHAIRMAN, COMMITTEE ON LEGISLATION, COUNCIL OF CHIEF STATE SCHOOL OFFICERS AND SUPERINTENDENT OF PUBLIC INSTRUCTION, STATE OF WASHINGTON, AND JOHN ADAMS, DIRECTOR, FEDERAL/STATE RELATIONS FOR THE COUNCIL OF CHIEF STATE SCHOOL OFFICERS

[The prepared statement of Dr. Thomas Burns follows:]

FOR RELEASE UPON DELIVERY

Statement by
Dr. Thomas J. Burns
Associate Commissioner for State and
Local Educational Programs
Bureau of Elementary and Secondary Education
U.S. Office of Education
Department of Health, Education, and Welfare
Before the
Subcommittee on Elementary, Secondary, and Vocational Education
Committee on Education and Labor
U.S. House of Representatives
Tuesday, July 26, 1977
10:00 a.m.

Dr. Burns is accompanied by:

Mr. Dick W. Hays, Associate Commissioner/Director, Office of Libraries and Learning Resources, Bureau of Elementary and Secondary Education, U.S. Office of Education, HEW

Dr. Alpheus L. White, Acting Director, Division of State Educational Assistance Programs, Bureau of Elementary and Secondary Education, U.S. Office of Education, HEW

Miss Mary Helen Mahar, Chief, School Media Resources Branch, Division of Library Programs, Office of Libraries and Learning Resources, Bureau of Elementary and Secondary Education, U.S. Office of Education, HEW

Dr. Harry L. Phillips, Deputy Assistant Commissioner for Legislation, U.S. Office of Education, HEW

Mr. Peter J. Gossens, Legislative Assistant to the Deputy Assistant Secondary for Legislation (Education), HEW

Mr. Chairman and Members of the Subcommittee:

I am pleased to appear before you today to discuss Title IV, Part C of the Elementary and Secondary Education Act of 1965 as amended.

I. Legislation

Title IV of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by Section 401 of the Education Amendment of 1974, P.L. 93-380, provides for the consolidation of certain education programs into two parts, Libraries and Learning Resources (Part B) and Educational Innovation and Support (Part C). Part A of Title IV contains the appropriation authorizations and the common and unique requirements for State participation in each of the parts.

As to the purpose of Part C, Section 431(b) states, "It is the purpose of this part to combine within a single authorization, subject to the modification imposed by the provisions and requirements of this title, the programs authorized by Title III (except for programs of testing, counseling and guidance) and Title V, and sections 807 and 808 of this Act, and funds appropriated to carry out this part must be used only for the same purpose and for the funding of the same types of programs authorized under those provisions."

The categorical programs referred to in Section 431(b) include ESEA Title III, Supplementary Educational Centers and Services; ESEA Title V, Strengthening State and Local Educational Agencies; ESEA Title VIII, Section 807, Dropout Prevention Projects, and ESEA Title VIII, Section 808, Grants for Demonstration Projects to Improve School Nutrition and Health Services for Children from Low Income Families.

In Report No. 93-805 of the House Committee on Education and Labor, the committee stated the purpose of the consolidation of programs as proposed in H.R. 69:

> "The reason for the consolidation is to bring about some simplification in the administration of Federal education programs..."

"The Committee bill will lead to a simplified administration for seven Federal programs, but the committee wants to emphasize that its adoption of the consolidation for these programs in no way implies a belief that the programs have not been successful in achieving their purposes. They have been successful, but we believe that their objectives can be achieved under a simpler administrative structure."

The authorizing legislation provided the following conditions and requirements for administration of the program by the U.S. Commissioner of Education and participation by the States:

1. Authorization of Appropriations: $350,000,000 for obligation for Part C during Fiscal Year ending June 30, 1976 and such sums as may be necessary for obligation by the Commissioner during each of two succeeding Fiscal Years.

2. Consolidation Triggering: No funds are authorized to be appropriated during the Fiscal Year in which Part C is effective unless the appropriation is at least equal to the aggregate amount appropriated for obligation for Fiscal Year ending June 30, 1974 for the programs included under Part C and thereafter each year's appropriation for Part C must be at least equal

to the previous Fiscal Year's appropriation. Additionally, the funds for the first year of consolidation must be included in the previous Fiscal Year's appropriation act and made available for obligation prior to implementing consolidation.

3. Half Funding the First Year: In the first year of consolidation, 50 percent of the funds for consolidation are to be used for purposes of Part C. The remainder is to be used to continue the categorical programs included in Part C.

4. Allotments to the States: Up to one percent of the appropriated amount is reserved by Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, schools operated for Indian children by the Department of the Interior, and those operated abroad for children of dependents by the Department of Defense. The remainder is allotted to the 50 States and the District of Columbia and the Commonwealth of Puerto Rico on the basis of the number of children aged five to seventeen, inclusive, in the State in proportion to the total number of children in all States.

5. Basic Requirements for State Participation:

a) Submits an Annual Program Plan which sets forth a program under which funds paid to a State will be expended solely for programs and purposes authorized by parts B and C and for administration of the plan;

b) Designates the State educational agency as the State agency which shall act as the sole agent for the administration of the plan;

c) Appoints a State Advisory Council composed of persons representative of areas and fields of expertise as specified;

d) Uses not more than the greater of 15 percent of a State's Part C allocation or the amount available to it by appropriation in Fiscal Year 1973, for strengthening the leadership resources of State and local educational agencies;

e) Uses at least 15 percent of a State's Part C allocation, less "strengthening funds," for special programs or projects for education of children with specific learning disabilities and handicapped children;

f) Distributes Part C funds to LEAs on an equitable basis, recognizing the competitive nature of grant making;

g) Provides assistance in formulating proposals and operating programs to LEAs which are less able to compete for Part C funds due to small size or lack of financial resources;

h) Requires not more than one application to be submitted by LEAs for funds under Parts B and C in any one Fiscal Year;

i) Assures that LEAs, which are recipients of ESEA Title IV funds shall provide for the benefit of children enrolled in private nonprofit elementary and secondary schools secular, neutral and non-ideological services, materials, and equipment as may be necessary for their provision and consistent with the number of school children. If such services, materials, or equipment are not necessary or feasible, the LEA shall provide such other arrangements as will assure equitable participation of such children. If a State is prohibited by law from providing for the participation of children enrolled in private elementary and secondary schools, or if a LEA fails to provide for participation, the Commissioner may waive such requirement and shall arrange for the provision of such services;

j) Adopts effective procedures for the appropriate dissemination of the results of evaluations and for the adoption of promising educational practices developed through innovation programs supported under Part C;

k) Provides that the State Advisory Council shall evaluate annually all programs and projects assisted under Title IV and shall submit an annual report of its activities, recommendations, and evaluations through the State educational agency to the Commissioner;

l) Uses for administration of the Annual Program Plan for the first year of consolidation not more than the aggregate amount used for the administration of the categorical programs included in consolidation and thereafter no more than 5 percent of its allocation under Parts B and C less the amount used for strengthening the leadership resources of State and local educational agencies, or $225,000, whichever is greater;

m) Assures (as amended in Education Amendments of 1976, P.L. 94-482) that the aggregate amount to be expended per student or the aggregate expenditures by the State, its local educational agencies, and private schools from funds derived from non-Federal sources for

Part C programs in the previous Fiscal Year were not less than the amount per student or the aggregate expenditure for the second preceding year.

II. Program Funding History

Program Year[1]	Authorization	Budget Request	Appropriation
1976	$350,000,000	$172,888,000	$172,888,000
1977	Indefinite	172,888,000	184,522,000[2]
1978	Indefinite	194,000,000	194,000,000
1979	Indefinite	194,000,000	-----------

---

[1] As provided for in Appropriations Acts, funds for ESEA Title IV are available for obligation on July 1 of each calendar year and are appropriated in the Fiscal Year prior to the beginning date (October 1) of the Federal Government's Fiscal Year.

[2] Education Amendments of 1976 (P.L. 94-482, October 12, 1976) authorized the appropriation of additional funds as may be necessary for increasing allotments to any State to a level of funding which equals the amount of funds received by that State for Fiscal Year ending June 30, 1974 for programs included in consolidation.

III. Program Development and Implementation

The enactment of ESEA Title IV imposed significant responsibilities on the Office of Education and State and local educational agencies during Fiscal Year 1975. These agencies, particularly the Office of Education and the State educational agencies, were required to administer the categorical programs and to develop plans, administration procedures, and regulations for the consolidated program. During Fiscal Year 1976, the workload of Federal, State, and local educational agencies increased significantly because of the 50 percent funding of ESEA Title IV and the continued funding of the categorical programs. The Office of Education had a double workload. Likewise, State and locals not only had to complete the normal paperwork for the categorical programs and administer them, but they had the additional paperwork and administrative responsibilities imposed by the consolidated program.

A. U.S. Office of Education

The program provisions of ESEA Title IV related to the responsibilities of three Divisions within the Bureau of School Systems (now the Bureau of Elementary and Secondary Education); the School Media Resources Unit of the Office of Libraries and Learning Resources; and the Dropout Prevention Regional Coordinating Unit in the Bureau of Occupational, Adult and Vocational Education. To coordinate the implementation of ESEA Title IV, a Steering Committee composed of representatives from the above units was formed under the direction of the Associate Commissioner for State and Local Educational Programs. Fourteen work groups were established to perform the various developmental activities related to the implementation of Title IV. These tasks included the development of regulations, annual program plan format, technical assistance plans, annual report forms, and other program documents. The Steering Committee work groups later organized into interdivisional teams to provide technical assistance, to process the States' Annual Program Plans, and to review on-site the States' operation of the program.

During the period of operation under the Steering Committee, technical assistance and program information were provided to State educational agencies, local educational agencies, representatives of private schools, professional educational associations, and others through such means as:

- Regional Conferences, which were held in March 1975 and attended by over 600 persons from every SEA
- On-site visits to all SEAs requesting assistance
- 20 individual SEA conferences at OE headquarters
- Telephone conferences with 34 SEAs
- National Conferences for all SEAs

Considering the complexity of the legislation, the difficult time constraints, the demanding workload imposed by the continuation of the categorical programs while implementing the consolidated program, the ad hoc organizational arrangement - the implementation of ESEA Title IV was carried out with considerable expediency and effectiveness.

94-968 O - 77 - 2

Milestones along the way include:

1. The publication of proposed rules for Title IV in the Federal Register on March 12, 1975, the analysis of those comments and preparation of responses, and the publication of the final regulations on November 18, 1975.
2. The development and distribution of draft Annual Program Plan Instructions in March, 1975.
3. The certification by all SEAs of the establishment of State Advisory Councils by the legally required date (April 13, 1975) and the acceptance by the U.S. Commissioner of those certifications.
4. The submission of Annual Program Plans from 43 States, District of Columbia, and two outlying Areas by July 8, 1975.
5. The approval and issuance of grants to 47 SEAs by December, 1975.
6. The completion of on-site program reviews in 22 SEAs by June 30, 1976.

In July, 1976, the Office of Education initiated steps to plan the administration of ESEA Title IV, Part C on a more permanent basis. In the July 21, 1976 issue of the Federal Register, the Division of State Educational Assistance Programs was established within the Bureau of Elementary and Secondary Education to administer ESEA Title IV Part C, with shared responsibility for the administration of those requirements common to Parts B and C within the School Media Resources Branch, Office of Libraries and Learning Resources in the same Bureau. While organization plans for the Division of State Educational Assistance Programs have not been fully implemented, progress is currently being made to staff that Division.

ESEA Title IV, Part C program work is being performed currently by the staff of the former Division of State Assistance.

An illustration of the working arrangement between the two units with major program responsibilites for ESEA Title IV is shown in Chart 1. That chart depicts the approval process for Annual Program Plans and the issuance of grant awards.

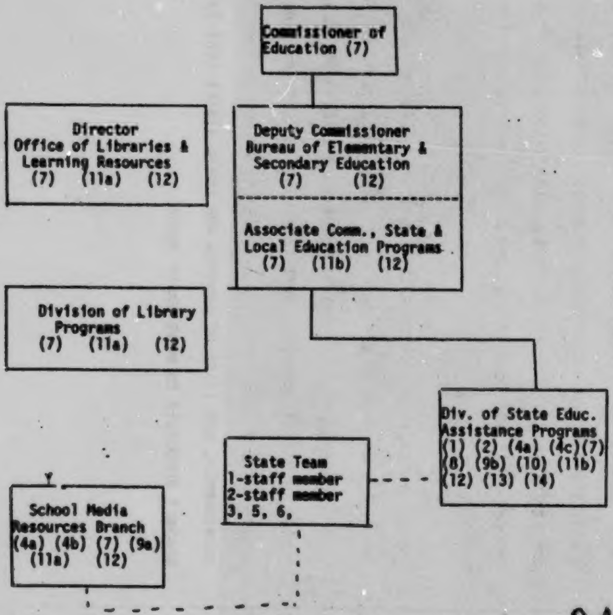
B. State Educational Agencies

State educational agencies were not without implementation problems. Personnel decisions may have posed the greatest difficulty. Most States, prior to consolidation, employed managers and staffs for each of the State plan programs included in ESEA Title IV. Decisions had to be made as to how these staffs were to be brought together. Organizationally, most States have established separate units for the administration of Part B; Part C, Innovation; and Part C, Support under the direction of one overall coordinator for ESEA Title IV.

The dissemination of program information to LEAs, private schools, and others was one of the major activities engaged in by SEAs. They developed and disseminated program announcements, manuals and guides, application forms, descriptions of successful innovative projects under ESEA Title III, results of Statewide educational assessments, and lists of experts who could assist LEAs in preparing project proposals to meet their needs.

CHART I
ORGANIZATIONAL ARRANGEMENT AND RESPONSIBILITIES FOR APPROVAL OF ESEA TITLE IV ANNUAL PROGRAM PLANS

ORGANIZATION


Commissioner of Education (7)
Director
Office of Libraries & Learning Resources
(7) (11a) (12)
Deputy Commissioner
Bureau of Elementary & Secondary Education
(7) (12)
Associate Comm., State & Local Education Programs
(7) (11b) (12)
Division of Library Programs
(7) (11a) (12)
Div. of State Educ. Assistance Programs
(1) (2) (4a) (4c) (7) (8) (9b) (10) (11b) (12) (13) (14)
State Team
1-staff member
2-staff member
3, 5, 6,
School Media Resources Branch
(4a) (4b) (7) (9a) (11a) (12)

RESPONSIBILITIES

1. Receipt of Annual Program Plan from SEA.
2. File and distribute copies to appropriate State team.
3. Review of APP and, if necessary, develop list of items to be negotiated.
4. Review and approve items for negotiation as recommended by State teams
   4a = Part A 4b = Part B
   4c = Part C
5. Negotiate with SEA
6. Prepare APP approval letter.
7. Approve APP and letter.
8. Receive signed APP and letter and mail.
9. Prepare Grant Awards
   9a = Part B 9b = Part C
10. Prepare Grant approval letter.
11. Approval of Grant Award
    11a = Part B 11b = Part C
12. Approval of Grant letter.
13. Mail Grant Award and grant letter.
14. Maintain central file for all APPs, grant documents, and correspondence.

As previously indicated, SEAs are required to provide assistance in formulating proposals and in operating programs to LEAs which are less able to compete due to small size or lack or financial resources. The adequacy of such technical assistance varied from State to State, being influenced by both the size of the SEA's Part C staff and the number of districts qualifying for such assistance. However, from information provided in the States' Annual Program Plans and from on-site program reviews and annual reports, there is evidence that SEAs are taking this requirement seriously.

While nationwide data to present a complete picture of the participation in Part C by small districts are unavailable, the 24 States which granted Part C funds by July 1, 1976 (the closing date for the first annual report) indicated that of 624 grants, 43 went to districts with enrollments under 599, 169 to districts with enrollments from 600 to 4,999, and 412 to districts of 5,000 and above. A State by State distribution by size of district is shown in Table 1.

One of the most difficult administrative requirements for SEAs is the single application requirement. While all States provided the required assurance in their Annual Program Plan, the OE program reviews found the need for much improvement in this area. The major problem lies in the fact that districts receive their Part B funds on the basis of a formula entitlement with complete discretion as to the amount of funds to be spent for the program purposes of Part B. Under Part C the process is much more complicated, involving Statewide competition, detailed application review process, and the design of innovative programs. That, coupled with the fact that different units process the two parts, complicates the administration of the single application process. Currently, we do not have reactions from LEAs as to the single application requirements.

TABLE I

PARTICIPATION OF LEAs IN PART C PROJECTS

	Number of LEAs (by Enrollment)			
	Under 599	600-49999	5000-Over	All LEAs
TOTAL	43	169	412	624
Alabama		6	5	11
Arkansas		1	1	2
District of Columbia			1	1
Florida			10	10
Hawaii			1	1
Idaho		2	4	6
Iowa		3	156	159
Kansas	24	25	3	52
Kentucky			9	9
Louisiana		1	6	7
Maryland		1	6	7
Michigan		1	11	12
Minnesota	1	7	10	18
Mississippi		4		4
New York	4	34	124	162
North Carolina		2	2	4
Oklahoma		1		1
Oregon	1	4	3	8
Pennsylvania		28	36	64
Texas	1	7	8	16
Washington	2	2	6	10
West Virginia		2	5	7
Wisconsin	4	38	5	47
Trust Territory	6			6

The maximum amount available for the administration of Part C in the first year of operation was $9,618,933. Expenditure data provided by 36 SEAs indicated that $4.5 million was obligated for the administration of Part C. The funds, in addition to supporting various implementation activities, were used to employ 459 persons in 325 full-time equivalent administrative positions.

There are several reasons why the level of expenditure for administration was low. Since many SEA staff members were working both with the categorical programs and consolidation, their salaries were prorated. Some States did not operate a Part C local program the first year because of the lack of a Part C allocation sufficient to cover "strengthening" activities and a local innovation program. Eleven SEAs reported no expenditure of Part C administrative funds. Other States, because of timing problems, did not begin their grant program until the spring of 1976. And finally, State Advisory Council expenses were at a minimum because of the lateness of program implementation in some States. We anticipate a sharp increase in expenditures for State administration for the second year of operation.

IV. USE OF PART C PROGRAM FUNDS: SUPPLEMENTARY CENTERS AND SERVICES, NUTRITION AND HEALTH, DROPOUT PREVENTION, AND HANDICAPPED

If each State had used the maximum funds available for administration and the maximum set-aside for strengthening SEAs and LEAs in Fiscal Year 1976, the amount of funds available for local program funds, including handicapped projects, would have been $25.9 million. However, some States, because of the level of their allocation for Part C, opted not to use the maximum for administration and the maximum for "Strengthening" in order to have more local program funds. The total of funds available for LEA use, as projected in 57 Annual Program Plans for 1976, was $32,818,167. Of that amount approximately $13.0 million was granted to LEAs as of June 30, 1976. That included approximately $12.7 million for Supplementary Centers and Services projects. Of the $12.7 million, $10.3 million was granted for the support of developmental projects through which LEAs develop and test new or exemplary programs over a three year period. Approximately $2.1 million was granted to LEAs for their use in adopting tested and proven programs and practices which met their needs. An additional $278,000 was granted for other types of supplementary centers and services projects. Of the remaining amount, approximately $264,000 was granted for Dropout Prevention projects and $5,700 for Nutrition and Health.

Types of Projects Funded

The Office of Education received lists of projects granted to LEAs for FY 1976 from 27 State agencies. 1/ This representative summary illustrates the variety of instructional and other areas served with Part C funds.

Curricular Areas	Number of Projects	Number of States
1. Basic Skills	191	13
2. Social Studies	23	14
3. Science	28	11
4. Art/Music	47	14
5. Physical Education	13	7
6. Career Education	43	17
7. Environmental Education	35	11
8. Nutrition/Health	18	10

1/ Since these lists included projects supported with 1976 funds which were granted before and after June 30, 1976, the following data cannot be compared with the above expenditure data.

Target Populations	Number of Projects	Number of States
1. Dropout Prevention	22	11
2. Handicapped	91	25
3. Gifted & Talented	40	15
4. Early Childhood	37	10
5. Bilingual	20	7
Other Programs		
1. Guidance & Counseling	44	12
2. Parent education	14	8
3. Community Education	20	7
4. Self-Improvement	23	9
5. Human Relations	10	4
6. Staff Training	107	14
Miscellaneous	50	7

Additionally, under supplementary educational centers and services there were projects which were designed to provide services, such as:

Media Services	Number of Projects	Number of States
Educational T.V., Film Depositories, Computer Assisted Instruction, etc.	23	11
Instructional Methods		
Alternative education, Curriculum Development, Individualized Instruction, etc.	55	17
Supplementary Centers		
Regional Service Center, Cooperative Services to multiple districts	8	4

Student Participation

Student participation in Part C projects in operation between July 1, 1975, and June 30, 1976 was reported by 23 States. The total participating was 1,246,211. Of that number, approximately 26,000 were pre-school children; 565,000 were public elementary school children; 52,000 were private elementary school children; 569,000 were public secondary school children, and 34,000 were private secondary school children. A State by State distribution is provided in Table 2.

The Fall 1975 K-12 enrollment nationwide was 50,139,000. Of this total 5,300,000 children were attending private schools, or 10.57 per cent. The 23 SEAs which made grants to LEAs between the period 7/1/75-6/30/76 for supplementary centers and services, dropout prevention, and nutrition and health programs, reported total participation of 1,246,211. Of this total, 86,022 were enrolled in private schools, or 6.9 per cent. By way of comparision 2.5 per cent of the public school enrollment participated in Part C projects as contrasted by 1.6 percent of private school children.

Several factors need to be borne in mind in comparing the public and private school students participation. One is that not all school districts receive IV-C grants, and of those that do many do not have private schools located within their boundaries. Another is that many private schools are not eligible to participate in Federally funded programs because of their failure to file civil rights compliance assurances, while others do not wish to become involved in the red tape which is thought to be associated with Federally-funded activities.

TABLE 2

PARTICIPATION BY STUDENTS

		PUBLIC			NON-PUBLIC			ALL STUDENTS
	Pre-School	Elementary	Secondary	Total	Elementary	Secondary	Total	Total
TOTAL	26,385	565,225	568,579	1,133,804	52,099	33,923	86,022	1,246,211
Alabama	150	4,288	14,258	18,546	71	528	599	19,295
Arkansas			80	80			0	80
District of Columbia		32	1,358	1,390			0	1,390
Florida	50	17,659	6,971	24,630	854	115	969	25,649
Hawaii		929	5,307	6,236		139	139	6,375
Idaho		14,046	12,649	26,695			0	26,695
Iowa	35	10,864	9,570	20,434	645	604	1,249	21,718
Kansas	8	1,192	2,100	3,292	85	65	150	3,450
Kentucky	284	161,891	187,074	348,965	11,070	8,202	19,272	368,521
Louisiana	1,086	4,566	4,498	9,064	621	395	1,016	11,166
Maryland	1,113	8,913	11,780	20,693	128	30	158	21,964
Michigan		34,465	21,892	56,377	2,597	448	3,045	59,422
Minnesota	403	21,123	19,222	40,345	2,903	389	3,292	44,040
Mississippi		1,389		1,389			0	1,389
New York	371	68,068	99,880	167,948	7,826	9,615	17,441	185,760
North Carolina		2,021		2,021			0	2,021
Oklahoma	380	3,770	983	4,753			0	5,133
Oregon	15	2,958	448	3,406	157		157	3,578
Pennsylvania	21,623	132,970	130,872	263,842	13,788	11,404	25,192	310,657
Texas		329	897	1,226			0	1,226
West Virginia	445	605	462	1,066			0	1,511
Wisconsin	422	71,861	38,278	110,139	11,354	1,989	13,343	123,904
Trust Territory		1,267		1,267			0	1,267

Handicapped Children and Children with Specific Learning Disabilities

In order that children with physical or mental handicaps, or specific learning disabilities be assured of the opportunity to participate in programs and projects funded under Part C, the statute establishes the following requirement: that not less than 15 per centum of the amount received under Part C (excluding any amount used for purposes of Strengthening the leadership resources of State and local educational agencies) shall be used for special programs or projects for the education of children with specific learning disabilities and handicapped children.

SEAs may comply with this requirement by funding projects targeted at this specific sub-population of students, or by funding projects which include components for handicapped students.

Based on an analysis of the 1976 Annual Program Plans 47 SEAs with funds available for Part C LEA projects budgeted $6,334,049 to fund projects to serve handicapped children and children with specific learning disabilities. According to the financial data reported as of June 30, 1976, $4,820,930 had been granted to LEAs. Those funds, as shown below, supported the participation of 24,000 children in 101 projects.

Handicapped Projects: Participating LEAs

	Participating LEAs (Enrollment)			Total # LEAs
	Under 599	600-4999	5000-Over	
Total	21	47	33	101
Alabama		1	1	2
Florida		1	1	2
Hawaii			1	1
Idaho	1	1		2
Iowa		1	1	2
Kansas		1	1	2
Louisiana			4	4
Maryland			1	1
New York	7	1	8	16
Oklahoma			1	1
Pennsylvania			9	9
Washington			1	1
West Virginia			1	1
Wisconsin	13	40	2	55
Kentucky		1	1	2

Handicapped Projects: Participating Students

	Public	Non-Public	All Students
Total	19,087	4,993	24,080
Alabama	232	0	232
Florida	1,125	0	1,125
Hawaii	109	50	159
Idaho	433	0	433
Iowa	48	0	48
Kansas	108	22	130
Kentucky	8,000	3,171	11,171
Louisiana	1,095	146	1,241
Maryland	350	0	350
New York	2,748	252	3,000
Oklahoma	214	0	214
Pennsylvania	1,489	195	1,684
Wisconsin	3,136	1,157	4,293

State Funding Criteria

The criteria set forth in the Annual Program Plan establishes the basis for reviewing and approving local educational agency project applications. Each State has the discretion to establish such criteria necessary for the distribution of funds among local educational agencies on an equitable basis recognizing the competitive nature of grantmaking. The following typically represents criteria found in the Annual Program Plans:

1. The project was submitted after the participation of persons broadly representative of the cultural and educational resources of the area served were involved in the project planning process.
2. The project addresses or provides solution for meeting a critical educational need based upon an adequate needs assessment.
3. The project incorporated methods that can be adapted to or adopted by other districts.
4. The project includes valid research methodology with an appropriate evaluation design.
5. The project is economically feasible with reasonable developmental costs with budget items showing direct relationship to proposed activities.
6. The project states performance objectives which are measurable and appropriate with sound action steps for achieving objectives.
7. Evidence that the project will supplement nonfederal resources and will not supplant local effort.
8. Adequate provision for the participation on the planning for involvement of non-profit private schools.
9. The project has provision for qualified staff and adequate facilities.
10. Project has satisfactory dissemination plan for informing other districts of progress, effectiveness and exportability.

V. USE OF PART C FUNDS: STRENGTHENING STATE AND LOCAL EDUCATIONAL AGENCIES

Section 431.(a) of Title IV provides that "The Commissioner shall carry out a program for making grants to the States (pursuant to State plans approved under Section 403)..."

"(3) for strengthening the leadership resources of State and local educational agencies, and for assisting those agencies in the establishment and improvement of programs to identify and meet educational needs of States and of local districts;"

For the above purpose SEAs are authorized to use 15 percent of their Part C allocation or the amount available for obligation from the Fiscal Year 1973 appropriation, whichever is greater. The latter amount was the highest of the two and amounted to $47,913,988. Of that amount, $44,689,806 was reserved for "strengthening" purposes in the 1976 Annual Program Plans ($42,243,590 for strengthening State educational agencies and $2,446,216 for strengthening local educational agencies.) It should be noted that of the $42 million for strengthening State educational agencies, approximately 60 percent was to be used by the SEA to provide technical assistance and other services to LEAs.

Of the amount set aside for strengthening purposes in the Annual Program Plans, $18,876,364 was reported obligated by the SEAs as of June 30, 1976. Of that amount $17.6 million was obligated for strengthening the SEA and $1.2 million for strengthening LEAs. The low level of obligation is probably due to the use of funds received during this same period under ESEA Title V and carryover funds from Fiscal Year 1975.

Based on an analysis of Annual Program Plans from 30 SEAs for 1976, $26,353,431 was budgeted in 17 categories. The percent of funds budgeted in each category is as follows:

1.	Local educational agencies assistance	26.8%
2.	Educational planning and evaluation	15.1%
3.	Educational data information systems	12.7%
4.	Internal management	9.9%
5.	Consultative services and curriculum development	8.8%
6.	Dissemination	7.6%
7.	Teacher preparation and certification	4.4%
8.	Educational financing & financial management	3.3%
9.	Measurement of achievement	2.5%
10.	Program development	2.2%
11.	Staff development	1.6%
12.	Interstate activities or special services	1.5%
13.	Use of auxiliary personnel	1.4%
14.	Educational research and demonstration	.7%
15.	Needs assessment	.6%
16.	Assisting target groups	.6%
17.	Liaison with nonpublic schools	.2%

The Annual Program Plan format required SEAs to express their strengthening program in terms of objectives and activities to be achieved during Fiscal Year 1976 and the Annual Report required SEAs to report their accomplishments. Based on an analysis of data from 30 SEAs, the following list provides a sample of the kinds of objectives proposed and accomplishments reported. The accomplishments, however, do not necessarily track the objectives because some States which proposed objectives did not spend funds for strengthening during the reporting period or initiated work late in the fiscal year and did not have anything to report.

1. Local education agency assistance

Objectives:
- provide assistance regarding year-round education program development to LEAs.
- provide staff development in career education to

administrators, counselors, and teachers through workshops and conferences.
- Implement in school districts and adult education programs instruction on genetic diseases and disorders.
- Provide workshops in metric education.
- Plan and implement procedures for comprehensive Arts program in six demonstration sites.
- Improve curriculum and instruction; special education and programs for the gifted; fiscal management; classification and accreditation; for the gifted; fiscal management; classification and accreditation; school bus safety instruction; desegregation; school law; and school food programs.
- develop a research and information retrieval system for disseminating information about alternative and innovative programs.
- expand services in the area of guidance and counseling and reading.

Accomplishments:
- trained staff aiding LEAs in developing career educational instruction.
- a Sickle Cell Anemia project drew wide public support.
- 90 percent of the elementary teachers in one State participated in metric education workshops.
- developed a management information system program in one State.
- a reading impact plan was designed and implemented.
- in one State an assessment instrument was developed for guidance and counseling.
- trained public school educators in accreditation accountability.

2. Educational planning and evaluation

Objectives:
- provide assistance and training to LEAs in planning and evaluation.
- in-depth staff assistance at the executive level to assist in formulating action plans to implement new policies and programs, and to maintain effectiveness of ongoing programs.
- conduct Statewide educational planning and evaluate all educational programs.
- conduct needs assessment and identify strategies for professional development.
- identify issues and needs in a State related to delivery of services.
- coordinate and manage resources designated to accomplish

the assessment/evaluation of priority programs such as gifted pupil program.

- evaluation instruments field-tested.
- provided expertise in planning buildings and transportation facilities for LEAs.
- development of an accountability system for education as a result of State legislation.
- designed and field-tested a generic planning process.
- developed a plan for the delivery of services to meet the educational needs for a thorough and efficient educational system.
- standardized tests administered for grades five through eight in reading, language, mathematics, and reference skills.
- improvement in SEAs ability to provide more accurate and timely data on education finances.
- produced scales and measures for school personnel to assess their students.
- improved programs for target group students.
- staff and public involvement in revising priority problems facing education in the State.
- evaluated gifted, career education, and Title I programs
- surveyed learning resources.

3. Educational data information systems

Objectives:

- assist LEAs in the development of educational data information systems.
- field test a model to monitor operational performance of LEAs.
- distribute ADA and ADM accountability to LEAs.
- establish an automated inventory system to reduce LEA reporting by 10 percent, develop a standard dictionary of financial terms, and develop a dictionary describing computer systems capability of all Elementary/Secondary data processing installations.
- provide service for the comprehensive and compatible recording, collecting, processing, analyzing, interpreting, storing, retrieval, and reporting of State and local educational data including the use of automated data systems.

Accomplishments:

- implementation of pilot satellite programs in Fiscal Year 1978.
- prepared a data processing directory to promote exchange of technical expertise and information on data processing between LEAs.
- reports from data systems distributed to educational and legislative decision makers.
- cross tabulation of 12 characteristics on approxi-

mately 80,000 students was provided in one desegregation case.

- LEAs more capable in preparing acceptable applications for Federal assistance.
- core groups at the executive level effective in policy formulation.
- improvement of project manuals and applications.
- information provided for a study of declining enrollment.
- furnished data for needs assessment survey enabling State to identify critical educational needs.
- data base expanded to include financial data, taxable evaluation data; student enrollment by sex and grade level, and tax millage rates.

4. Internal management

Objectives:

- Recruitment of qualified personnel.
- develop a process of analysis for effective management.
- improve forms for applications, evaluation, and budgeting information.
- improve internal management systems.
- evaluate field audit systems.
- improve receiving and distributing mail.
- provide duplication, audiovisual, and fiscal management control services.
- expand statistical services.
- maintain an Office of Federal Programs and an Office of Legislative Services.
- provide a safe, adequate, and modern system for the operation of a central file unit.
- improve procedures for recruitment, transfer, and reassignment of teachers.

Accomplishments:

- established personnel policy and classification.
- increase in administrative efficiency allowing managers to spend more time on educational programs.
- revised approval standards to meet requirements of State laws.
- modified field audit system for regionalization.
- legislative revisions resulted in the Commissioner having a greater degree of supervision over handicapped education programs operated by other State agencies.
- reduced employee absenteeism--increased work capacity and productivity.
- produced timely reports and audiovisual materials.
- standardize definitions for data gathering and expanded statistical services.
- instituted a grant application coordination process to

insure effective and timely submission of Federal grant applications.

- introduced legislation for the remodification of the State Public School Code.
- organized schools before the year begins with a minimum of waste to the instructional programs.

5. Consultative services, curriculum materials, curriculum development

Objectives:

- provide administrative consultative services to local superintendents, supervisors, and principals.
- provide technical assistance in areas of special education, library services, education of the disadvantaged, and elementary and secondary education.
- develop curriculum framework and criteria for each subject area when State Board adopts instructional materials.
- evaluate and revise existing curriculum frameworks.

Accomplishments:

- school bus drivers received inservice training.
- school food service workshops were conducted.
- Handbook on Planning School Facilities was developed and distributed.
- LEAs assisted in areas of curriculum and program development.
- provide teachers with guidelines for program planning and selection of materials.
- improved education of the gifted and talented.
- developed a monograph on secondary reading programs to help implement innovations in curriculum development and reading.
- produced and distributed materials in the following areas--international studies, language development, reading, career education, citizenship, metric education, understanding the media, elementary physical education, consumer education, economic education.
- programs for educating parents in childhood education, resulted in conducting regional workshops and stimulated statewide interest in initiating parent education programs in secondary schools.
- implemented lifetime sports activities which encouraged greater adult and handicapped student participation in physical activity.
- workshops to train personnel in law education.
- developed guides in music, and driver education and safety.

6. Dissemination

Objectives:
- establish communications among secondary student government organizations through a newsletter and information center.
- improve education in the State by disseminating information related to needs, condition, and programs of education within the SEA.
- provide a repository of information for educational planning, practices, and research.
- assist LEAs through dissemination of newsletters, news releases, radio and TV broadcasts, workshops and conferences.

Accomplishments:
- LEAs and teachers aware of developments in the areas of communications systems and criterion reference testing.
- newsletters, brochures, pamphlets, program descriptions distributed to LEAs.
- student input resulted in greater support for State-sponsored student activities.
- acquired new professional books, monographs, and reports.
- SEA cooperated with Statewide Information Search and Retrieval Unit located at State College.
- established a research library.

In terms of personnel supported with strengthening funds, 36 States outlying areas, and Puerto Rico reported the employment of over 1300 persons. However, it should be noted that a number of States did provide data on the number of persons employed and others had not filed a report at the time of the analysis. Table 3 shows the number of persons employed State by State for those which reported the data.

Seventeen States reported the funding of 42 LEA strengthening projects. These dealt with planning and evaluation, improving data management systems and staff training.

VIII. Summary of Funds Obligated - Fiscal Year 1976

The expenditure reports from 49 SEAs revealed the following expenditure patterns (Please note that reports were not available from 8 agencies at the time of the tabulation).

Table 3

Number of SEA Personnel Employed with Part C Strengthening Funds Fiscal Year 1976

	Personnel Paid from 431(a)(3)			FTE
	Professional	Non-Professional	FTE Professional	Non-Professional
TOTALS	757	547	579.88	391.98
Alabama	8	5	6.7	4.6
Alaska				
Arizona	0	0	0	0
Arkansas	9	5	9	4.3
California	40	22	34.2	21.5
Colorado				
Connecticut	0	0	0	0
Delaware	18	6	13.5	3.5
District of Columbia				
Florida	0	0	0	0
Georgia	12	15	9	7
Hawaii	6	10	6	8
Idaho	0	0	0	0
Illinois				
Indiana	41	20	41	20
Iowa	15	30	4.5	7
Kansas	16	16	16	16
Kentucky	13	8	12.3	7.3
Louisiana	24	18	19	17.7
Maine				
Maryland	0	0	0	0
Massachusetts				
Michigan	20	12	18.75	11.8
Minnesota	43	37	27.75	24.50
Mississippi	22	28	21.25	24.75
Missouri	29	19	6.84	4.56
Montana	9	2	7	1.1
Nebraska	0	0	0	0
Nevada	0	0	0	0
New Hampshire	12	16	12	15
New Jersey	32	30	31.5	30
New Mexico	4	3	3.5	3
New York	52	36	52	36
North Carolina	21	24	12.5	13
North Dakota	0	0	0	0
Ohio	42	33	41	22.9
Oklahoma	24	24	17.0	9.73
Oregon	12	1	11.75	1
Pennsylvania	40	25	40	25
Rhode Island	6	2	6	0
South Carolina	29	23	2.34	2.23
South Dakota				
Tennessee	3	1	1	.25
Texas	86	36	43.5	15.4
Utah	3	1	.25	.08
Vermont	6	3	3.5	3
Virginia	0	0	0	0
Washington	10	4	7.4	3.2
West Virginia	16	13	14.6	13
Wisconsin	17	12	14.25	8.58
Wyoming	0	0	0	0
American Samoa				
Trust Terriroty	0	2	0	2
Guam				
Puerto Rico	17	5	13	5
Virgin Islands				

SEA Administration - Part C	June 1, 1975 - June 30, 1976
Total expenditures	$ 4,501,107
SEA - Section 431(a)(3) Strengthening SEA	
Total expenditures	$17,625,602
LEA - Section 431(a)(3) Strengthening LEA	
Total grants	$ 1,250,762
Supplementary Centers and Services - Section 431(a)(1)	
Developmental LEA Grants - SCS-1	$10,331,228
Adoption LEA Grants - SCS-2	$ 2,130,519
Other LEA Grants - SCS-3	$ 278,286
Health and Nutrition - Section 431(a)(2)	
Grants to LEAs	$ 5,771
Dropout Prevention - Section 431(a)(4)	
Grants to LEAs	$ 264,680
Total Obligations and Grants	$36,387,555
Total Funds Available - Part C	$85,095,704
Unobligated Balance	$48,708,151
State Advisory Council Expenditures	$ 280,948
Grants to LEAs for Handicapped Projects	$ 4,820,930

VIII. State Advisory Councils

The statutory basis for the establishment of State Advisory Councils for Title IV is contained in Section 403(a) of the Act which states, "Any State which desires to receive grants under this title shall establish an advisory council as provided by subsection (b)..."

Section 403, subsection (b) of the Act provides for the appointment of Council members and its responsibilities. That Section is as follows:

> (b)(1) The State advisory council, established pursuant to subsection (a), shall -
>
> (A) be appointed by the State educational agency or as representative of the cultural and educational resources of the State (as defined in Section 432) and of the public, including persons representative of-
>
> (i) public and private elementary and secondary schools,

(ii) institutions of higher education, and
(iii) fields of professional competence in dealing with children needing special education because of physical or mental handicaps, specific learning disabilities, severe educational disadvantage, and limited English-speaking ability or because they are gifted or talented, and of professional competence in guidance and counseling;

(B) advise the State educational agency on the preparation of, and policy matters arising in the administration of the State plan, including the development of criteria for the distribution of funds and the approval of applications for assistance under this title; and

(C) evaluate all programs and projects assisted under this title; and

(D) prepare at least annually and submit through the State educational agency a report of its activities, recommendations and evaluations, together with such additional comments as the State educational agency deems appropriate, to the Commissioner.

(2) Not less than ninety days prior to the beginning of any Fiscal Year for which funds will be available for establishment of, and membership of (including the name of the person designated as chairman), its State advisory council to the Commissioner.

(3) Each State advisory council shall meet within thirty days after certification has been accepted by the Commissioner and establish the time, place and manner of its future meetings, except that such council shall have not less than one public meeting each year at which the public is given an opportunity to express views concerning the administration and operation of this title.

(4) Each State advisory council shall be authorized to obtain the services of such professional, technical, and clerical personnel, and to contract for such other services as may be necessary to enable them to carry out their functions under this title, and the Commissioner shall assure that funds sufficient for these purposes are made available to each council from funds available for administration of the State plan.

All 57 Advisory Councils were certified by the State Educational Agencies and accepted by the Commissioner on schedule in Fiscal Year 1976. In most States they functioned well and worked cooperatively with the SEAs. An analysis of the membership of the ESEA Title IV State Advisory Councils for 1976 is shown in Tables 4 and 5. As can be seen, in Table 4 the size of the Councils ranged from 9 to 31 members, with a median of 17. The conglomerate of Councils, as shown in Table 5, indicates a wide diversity of representatives of the educational and cultural resources of the various States.

It should be noted that many SACs under Title IV in this initial year were comprised of members of advisory councils under ESEA Title III (P.L. 89-10 as amended). In Fiscal Year 1976 States had the option of maintaining two advisory councils because of the 50% categorical and 50% consolidated funding. In some States one body served as two councils often holding consecutive meetings for Title III and Title IV purposes. In other States two different bodies comprised the two councils. In each case members from Title III advisory councils generally comprised the new Title IV councils as well. There is evidence to show the overlap/carry-over of membership. This close tie to the Title III activities and purposes (supplementary centers and services, exemplary and innovative educational practices and projects) often dominated the newly organized Title IV Councils in their early approach to their legislated responsibilities, particularly in the evaluation of all programs and projects assisted under Title IV.

The Office of Education discovered during on-site reviews of the Title IV program in the States in Fiscal Year 1976 that SACs needed to expand their purview to insure that all Title IV assisted programs and projects were, in fact, evaluated. In 1976 the SACs tended to take the more familiar route by primarily evaluating the Title IV Part C innovative,

Table 4

STATE ADVISORY COUNCIL MEMBERS

No. Members on Council	No. States Having	No. Members on Council	No. States Having
9	1	19	5
10	1	20	3
11	3	21	5
12	6	22	0
13	4	23	2
14	3	24	2
15	7	25	1
16	2	26	1
17 (Median)	3	27	1
18	5	31	1

Table 5

TITLE IV, ESEA
STATE ADVISORY COUNCIL
ANALYSIS OF MEMBERSHIP, FY 1976

Educational & Cultural Resources Represented	No. Members	Chairmanships	Educational & Cultural Resources Represented	No. Members	Chairmanships
*Public Elementary & Secondary Ed.	157	19	State Government	15	1
*Private Elementary & Secondary Ed.	82	2	Students	12	0
*Higher Education	79	12	Local Boards of Education	11	4
*Physically/Mentally Handicapped	63	2	Curriculum Development	11	0
*Learning Disabilities	59	1	Other Public Agencies	8	0
*Educationally Disadvantaged	63	1	Health & Nutrition	7	0
*Limited English/Spanish Speaking	60	0	Intermediate Districts	6	0
*Gifted & Talented	58	0	Other Professions	6	0
*Guidance & Counseling	70	6	Management	5	0
Lay Public	59	2	Dropout Prevention	3	0
School Media	57	0	Minority Intereses	2	0
Fine Arts	28	2	Planning	2	0
Business & Labor	17	1	Environment	2	2
Professional Education Organizations	16	1	Museums	1	0

*Nine required fields of professional competence exemplary, supplementary centers and services projects, neglecting in varying degrees in each State the libraries and learning resources (Part B) projects and especially the strengthening State and local educational agency leadership resources (Section 431(a)(3)) objectives. In reports of the review findings, the Office of Education frequently pointed this weakness out to the Chief State School Officers.

Perhaps one explanation for this limited evaluative role by the SACs in addition to the familiarity of Title III purposes is that State Advisory Councils were for the first time legislatively charged with this new administrative responsibility of evaluation. Generally, the Councils were prepared to advise and report on but not to evaluate all programs and projects. It appears in this initial year under Title IV that this new role was met with consternation by the Councils. It is understood that funding for Title IV projects was often late in getting to the States and from there to the local education agencies in Fiscal Year 1976. Therefore, many Councils had few or no projects to evaluate. Nonetheless, Councils tended to wade cautiously into their new role, preferring in some States to avoid evaluating the 431(a)(3) activities altogether.

Evidence at this time (1977) indicates that a more prepared and aware Council membership in many States has led to more aggressive involvement in the whole evaluation process.

By June 30, 1976 the State Advisory Councils obligated approximately $281,000. These funds were part of the administrative allotment granted to the State Education Agencies by the Office of Education under

Title IV authority. With the exception of a few Councils, the SACs did not obligate the full amount of their anticipated expenditures as outlined in the State's 1976 Annual Program Plan.

State Advisory Councils used their obligated administrative funds toward accomplishing the mandated requirements of ESEA Title IV, namely, to carry out the functions of advising the SEA on the Annual Program Plan and its preparation and administration, including the development of criteria for distribution of funds and the approval of applications for Title IV supported local projects; evaluating all programs and projects assisted under Title IV as administered by the SEA; and reporting through the SEA on Council activities, evaluations and recommendations to the U.S. Commissioner of Education.

Those Councils that did expend funds obligated from $6 to $55,587. In addition to Council meetings held during the year for which members were paid a per diem allowance and in some cases an honorarium, some Councils used their administrative funds to advise the SEA by conducting independent educational studies or needs assessments, provide technical assistance to local education agencies in the preparation of the single application proposal for Part C projects, and to evaluate projects through the reading of application proposals to select those for funding, and through on-site monitoring and evaluation of funded projects. State Advisory Councils also obligated funds to further their awareness of Title IV through participation in conferences and training programs. Councils also obligated funds to write and publish their report.

Generally, the largest cost item in the Council's budget was the per diem, travel, and in some cases honorarium, paid to members for expenses incident to their scheduled meetings and on-site project evaluations.

It is anticipated that Councils will tend to increase their funding needs as they take on more evaluative functions either under contract with an independent organization or with the assistance of the SEA. As evidence indicates, some Councils have become very involved in an independent role, separate from the SEA, in the evaluation process of all Title IV assisted programs and projects.

Councils launched into the step by step process of advising on the Annual Program Plan. These steps included in the contents of the Plan, including the distribution of funds under Parts B and C; the nature and contents of the single application; private school participation; the range of participation of LEAs especially for Part B; and funding priorities and level of allocations for Part C.

In some Councils, subcommittees or task forces attacked specific subject areas such as evaluation, legal aspects, development of Parts B and C regulations, criteria for funding distribution, criteria for the selection of adaptation (adoption) and developmental Part C project proposals. The results of these subgroups, which, where used, often included SEA staff members, were included in the Annual Program Plan after the full SAC reviewed and approved the recommendations.

In the initial year, State Advisory Councils spent considerable time in organizing and defining their role, establishing working relationships with the SEA and among Council members and learning about Title IV and the consolidation of the program areas of school library resources, instructional equipment, guidance, counseling and testing; strengthening the SEA and LEAs, health and nutrition and dropout prevention and supplementary services and centers, and exemplary educational practices under a single State plan. The groundwork was laid for ensuing years' advisory activities.

State Advisory Councils also reported that in Fiscal Year 1976 they developed evaluative designs for use in future years. However, several Councils did very little in the area of evaluation. One SAC reports,

> "the first year of Title IV has not lent itself to the statutory requirement of evaluation. It has taken a considerable amount of time to develop application forms and procedures. Additional time was needed for the local districts to gain an understanding of the new consolidated program and to prepare their applications. These applications had to be reviewed before the objectives in the proposals could be addressed. In short, very little was done at the local level that could be evaluated."

Other Councils reported that no programs were evaluated in 1976 because they had just begun to function by the end of the year. Still other councils contracted for services in the area of evaluation. Councils that had no operational programs in 1976 sometimes contracted for an evaluation of administrative activities.

As indicated, each State Advisory Council is required to submit an annual report through the State educational agency to the U.S. Commissioner. In those reports, the councils are required to include their recommendations. A compilation of the recommendations received from the councils in the Fiscal Year 1976 reports is as follows:

Recommendations for Legislative Change

1. The elimination of the single application requirement; allow States the discretion to establish separate deadlines for Part B and Part C proposals. (5 SACs)
2. The SAC's statutory responsibility to evaluate all programs and projects should be modified in the following ways:
   a. To remove the evaluation of the 431(a)(3) [Strengthening Leadership Resources] component from the SAC's duties. (4 SACs)
   b. To charge the SAC with advising and assisting in the evaluation of programs and projects rather than with the evaluation itself. (4 SACs)
3. The elimination of the requirement to account separately for Part B and Part C administrative funds. (3 SACs)
4. The renewal of the emphasis on innovation in the Title IV program. (2 SACs)

Recommendations for the SEA

1. The SEA should increase its efforts to give guidance and direction to the SAC, especially regarding evaluation. (3 SACs)
2. The SEA should be more attentive to the SAC's advice regarding the

development of the Annual Program Plan. (3 SACs)

3. With regard to APP formulation, the SEA should review its needs assessment procedures, broaden its scope, and then relate priorities incorporated into the APP to these State needs. (4 SACs)
4. The SEA should keep the SAC informed of the activities undertaken in the Strengthening program; it should further use the Council to advise on the use of Strengthening funds. The SEA should refrain from using these funds to support legislatively mandated positions. (4 SACs)
5. The SEA should consider the following improvements to its program administration.
    a. hold more regional meetings to provide technical assistance in proposal writing and project management. (3 SACs)
    b. take more positive steps to encourage small LEAs to participate in the Title IV program. (3 SACs)
    c. strengthen the guidelines provided to LEAs containing information and instructions for Title IV. (2 SACs)

Recommendations to the U.S. Office of Education

1. The USOE should act as a national coordinator, leader, and disseminator for Title IV.
    a. preserve and strengthen the philosophy of innovation in education and assist States in disseminating successful practices. (4 SACs)
    b. hold continuing regional meetings to lead States in discussion of Title IV policies and procedures. (3 SACs)

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*This compilation is based on the reports of 44 SACs, 10 of which did not include any recommendations.

2. The USOE should minimize Federal reporting requirements and give States sufficient lead time before requiring additional data. (3 SACs)
3. The USOE should consolidate its own Title IV administrative apparatus. (3 SACs)
4. The USOE should share a copy of its on-site review report with the SAC, along with any response made by the SEA. (2 SACs)
5. The USOE is requested to follow up on their recommendations offered in the on-site review. (2 SACs)

Recommendations for the SAC

1. The SAC should sign-off on the APP before its submission to the USOE. (2 SACs)
2. The SAC should develop more definitive operating procedures and organize to conduct its business more effectively. (4 SACs)
3. The SAC should reallocate its time resources to:
    a. reserve more time for the consideration of issues and materials and the formulation of recommendations. (4 SACs)
    b. reserve less time for the project review and approval process (3 SACs)
4. The SAC should seek some means of interacting with other SACs (though not necessarily through the present NASAC organization). (3 SACs)

Comments for SEA on SAC Recommendations

Two Chief State School Officers commented on their Council's recommendations. One CSSO agreed with the SAC that evaluation of 431(a)(3) activities should be removed from the Council. The other CSSO stated that the legislated consolidation was a very trying experience in 1976, sometimes more categorical in nature than the programs it consolidated. Congress should reflect on this experience before consolidating other program areas.

STATEMENT OF DR. THOMAS J. BURNS

Dr. BURNS. My colleagues and I are pleased to appear before you to discuss Title IV of the Elementary and Secondary Education Act.

From the Office of Education we have Dr. Harry Phillips, Deputy Assistant Commissioner for Legislation in the Office of Education, sitting to your extreme left at the table.

Also we have Mr. Hays, the Associate Commissioner for the Office of Library and Learning Resources who, along with Miss Mary Helen Mahar, Chief of the School Media Resources Branch, sitting to his immediate left, will speak to Part B.

Also we have Dr. Alpheus White who is sitting to my immediate right, who will assist me in addressing Part C of Title IV. Dr. White is the Division Director for State Educational Assistance programs administering the Part C program and provides ancillary support services to the overall Title IV program.

At this time I would like to briefly summarize the written remarks that are being provided to the committee. On July 1st of this year, the Office of Education, the State educational agencies and the local educational agencies will have begun their third year of operations in grants consolidation.

Although the implementation of the consolidation was not without problems, I believe that the consolidation is meeting the purposes that were stated in the House Committee on Education and Labor Report.

In that report, No. 93-805, the committee said, "The reason for consolidation is to bring about some simplification in the administration of Federal programs."

We do believe from our conversations with State departments of education personnel, from our own on-site reviews at each of the State departments during the past year and a half, and from our analysis of the first year of annual program reports that progress is being made toward simplification of the administration and in program accomplishment.

For example, we know under Part C, one rather simple way to prepare the annual program report now replaces six previous major state plan and application approval documents. Undoubtedly, this arrangement has reduced the amount of preparation time that was previously required at State and local educational agency levels. It also is reducing the amount of review time at the State and Federal levels. We further believe that there is a reduction in the amount of reporting requirements as well as in the accounting procedures that have previously been required for the categorical programs.

We prefer to believe that we can assume there will be a further reduction in the audit review function as well.

To obtain a more definitive statement of the administration and its effects of Title IV given the grants consolidation education, the Office of Education has recently initiated a request for procurement to study the administration of Title IV. At the present time, it is receiving proposals in response to that request. We do believe that the study will be completed by December, 1978 and preliminary information should be available in December, 1977.

On the program achievement side, we have some data which describes the use of Part C funds by State and local agencies. Those data are from the first year of operation. Also the annual reports for the second year of operation, which will be submitted by September 30th of this year, should provide a more complete picture of the program accomplishments.

Particularly, as you mentioned, Mr. Chairman, these reports will be reflecting the first full year of program operation under the consolidation mode.

Additionally, our second cycle of on-site program reviews which are scheduled to start this fall, are being designed to obtain more information about the State and local use of funds. In our reviews this coming year, we will be visiting local school districts to see how these programs are being placed in operation.

I would now like to describe how the funds appropriated for Part C for the first year of operation were used. Of the $32.8 million available for local educational agency projects, as indicated in the 57 annual program plans for fiscal year 1976, approximately $113 million has been granted to local educational agencies as of June 30, 1976. That low level of obligation probably was caused by several factors, including the time required by state educational agencies to organize their staffs, to disseminate information to local educational agencies and to obtain, review and approve project proposals.

The five more frequently mentioned curricula areas were basic skills, art and music, career education, environmental education and science. Target populations included dropouts, handicapped, gifted and talented, pre-school and bilingual children. Other types of projects included guidance and counseling, staff training, media services, alternative instructional methods and regional service centers.

It was interesting to note that 23 State educational agencies reported that over 1.2 million children participated in the Part C program in fiscal year 1976 and of that number 86,000 children were private school children.

I think this is a rather good rate of participation considering this is the first year of operation.

Also 36 State educational agencies reported the employment of over 1300 persons with their strengthening funds. As to State educational agency administration of the program, $9.6 million were available for administrative purposes in fiscal year 1976. According to reports from 36 State educational agencies, $4.5 million was obligated. Those funds, in addition to supporting various implementation activities, including State advisory council activities, were used to employ 459 persons in 325 full-time equivalent positions.

Furthermore, each State education agency appointed a State advisory council and certified its appointment to the U.S. Commissioner by the legal deadline of April 3, 1975.

In the initial year, the council spent a considerable amount of time in organizing and defining their role, establishing working relationships with their State departments of education and learning about grants consolidation in general.

As indicated earlier, the implementation of the program was not without problems and some of those problems continue to exist even today. There were eight major observations which I believe are worthy of your attention.

First of all, prior to the implementation of consolidation, but after the appropriation was made, it was discovered that a number of the less populous states would receive a Part C allocation that would not be sufficient to maintain previous educational activities. This was due to the allocation formula changes.

The problem was partially corrected in the Appropriations Act which provided additional funds for program year 1977 and in the educational amendments of 1976.

In program year 1977, 27 State educational agencies shared in the distribution of $9,286,142 of additional funds for Part C to bring them up to their 1974 level. It is our belief that the committee may want to re-examine the distribution formula to correct this problem instead of requiring a line item that would be appropriated each year to each of these States.

Secondly, the first year 50 percent phase-in requirment caused an increased workload at all levels of government.

Thirdly, the U.S. Office of Education and State educational agencies experience difficulties in implementing an organization to administer grants consolidation.

The single application requirement was and continues to be an administrative problem for State and local educational agencies.

Fifth, program evaluation strategies are weak, but improving. However, there is still a reluctance on the part of the State advisory councils to evaluate the State educational agency use of strengthening funds.

Six, there will soon be a shortage of administrative funds caused by increasing salaries and increasing costs of contractual services as well as a larger advisory council expense account.

Seventh, it is extremely difficult to obtain quality reports in a timely manner from State educational agencies.

Lastly, we believe progress is being made in the simplification of administrative requirements under Part C. The program does have its complexities. Such items as equitable distribution of funds, recognizing the competitive nature of grants making, private school participation, coordination of four program components in one plan; the State Advisory Council's expanded role and its relationship with the State educational agency and the flexibility of use of program funds between State educational agencies and its locals all contribute to program administration complexity. These complexities present a challenge to the Office of Education as it works with state educational agencies to improve program administration.

I should add that no state advisory council made a recommendation to the effect that we should return to categorical programs. I would doubt that any State educational agency would make such a recommendation. I know the Office of Education would not.

Mr. Chairman, this concludes my summary statement on the status of the Title IV program.

After Mr. Hays has had an opportunity to present his presentation on Part B we will be happy to answer any questions you might have.

[The prepared statement of Dick Hays follows:]

Statement by
Mr. Dick W. Hays
Associate Commissioner/Director
Office of Libraries and Learning Resources
Bureau of Elementary and Secondary Education
U.S. Office of Education
Department of Health, Education, and Welfare
Before the
Subcommittee on Elementary, Secondary, and Vocational Education
Committee on Education and Labor
U.S. House of Representatives
Tuesday, July 26, 1977
10:00 a.m.

Mr. Hays is accompanied by:

Dr. Thomas J. Burns, Associate Commissioner for State and Local Educational Programs, Bureau of Elementary and Secondary Education, U.S. Office of Education, HEW

Miss Mary Helen Mahar, Chief, School Media Resources Branch, Division of Library Programs, Office of Libraries and Learning Resources, Bureau of Elementary and Secondary Education, U.S. Office of Education, HEW

Dr. Alpheus L. White, Acting Director, Division of State Educational Assistance Programs, Bureau of Elementary and Secondary Education, U.S. Office of Education, HEW

Dr. Harry L. Phillips, Deputy Assistant Commissioner for Legislation, U.S. Office of Education, HEW

Mr. Peter J. Gossens, Legislative Assistant to the Deputy Assistant Secretary for Legislation (Education), HEW

Mr. Chairman and Members of the Subcommittee:

I am pleased to appear before your Subcommittee today to discuss Title IV, Part B of the Elementary and Secondary Education Act of 1965, as amended.

Relation to Categorical Programs

Title IV, Part B consolidates the program purposes of three categorical programs - ESEA Title II, school library resources, textbooks, and other instructional materials; NDEA Title III, equipment and minor remodeling to strengthen instruction in academic subjects; that part of ESEA Title III related to testing, counseling, and guidance.

The House Committee on Education and Labor stated in House Report No. 93-805 (1974) that these programs had been successful in achieving their purposes, but the consolidation was intended to continue them under a simpler administrative structure.

The Committee's intent has been carried out in the first two fiscal years of the Title IV part B program. Administrative changes which were made by the Title IV statute - choices for expenditures, extending the benefits to private school children, the distribution formula, elimination of the matching requirements of NDEA Title III - have contributed to the programs' effectiveness.

Impact

1. Expenditures for Program Purposes

For the first year of the program, Fiscal Year 1976, State departments of education have submitted their annual reports. Percent of expenditures by local school districts for the three program purposes were as follows:

Purpose	Percent
School Library Resources, Textbooks, and Other Instructional Materials	54.1
Equipment and Minor Remodeling	33.7
Testing, Counseling, and Guidance	12.2

Reports from States have not been submitted for Fiscal Year 1977, but there is indication from informal verbal reports that proportionate expenditures for Testing, Counseling and Guidance have increased. This increase is probably due to the fact that since one of the chief program benefits of Guidance and Counseling is local school guidance staff, and location and employment of personnel take time, more staff are being employed in the second year of the program. It should also be noted that in Fiscal Year 1976, 50 percent of the funds were allocated for the consolidation, and the remaining 50 percent for the categorical programs.

2. Complete Discretion

State educational agencies reported that complete discretion allowed local educational agencies to channel resources to their areas of greatest need, and to provide for continuity in program planning. It also facilitated the formulation of administrative decisions in local educational agencies.

3. Coordination of Programs in Consolidation

Abstracts of outstanding Part B programs submitted in State educational agency reports demonstrated effective coordination of Part B program purposes in local school districts. In Franklin Pierce School District, Washington, the Part B project updated a career education program by providing materials and equipment in career guidance, as well as individual career counseling. Hinds County, Mississippi submitted a project application based on the needs determined by each of the schools. Materials and audiovisual equipment were purchased for language arts, mathematics, social studies, science, and career guidance, as needed in various schools. A testing program in Gem County Joint School District, Emmett, Idaho, was used as a basis for identifying weak areas in the curriculum. The results were used to plan for improving the 1976-77 school program.

Management of Part B Funds

1. Triggering Conditions

In the first year (Fiscal Year 1976), the amount appropriated for Part B had to be at least equal to the aggregate amounts appropriated for the component programs in Fiscal Year 1975. In the succeeding fiscal years (Fiscal Year 1977 and Fiscal Year 1978), the amounts appropriated for Part B must be at least equal to the aggregate amounts appropriated for Part B in the previous year. Funds appropriated for Part B must be made available for expenditure prior to the beginning of each of the three

Fiscal Years--1976, 1977, and 1978. If these conditions are not met, the programs will operate as categorical programs under the terms of existing legislation through Fiscal Year 1978. Triggering conditions have been met in all three years.

2. Allotments under Title IV Part B to States, Outlying Areas and Bureau of Indian Affairs and Basis for Distribution

The amount appropriated for Fiscal Year 1976 was $137,330,000. During this first year of consolidation, 50 percent of the funds was used for the consolidated program purposes and the other 50 percent to support the separate categorical programs in the Part B consolidation. In Fiscal Year 1977 when the program was fully consolidated, the amount authorized is $147,330,000. In Fiscal Year 1978, the amount is $154,497,324.

From the total amount available for Title IV, Part B for allotment in any fiscal year, the U.S. Commissioner of Education allots to each State an amount proportionate to the number of children aged 5-17 in the State, as compared with the total number of children in all of the States. The term "State" as used here refers to the several States in the Union, the District of Columbia, and the Commonwealth of Puerto Rico.

Not more than one percent of the amount available under Title IV, Part B is reserved for Guam, American Samoa, the Virgin Islands and the Trust Territory of the Pacific Islands, for schools operated for Indian children by the Department of the Interior, and for children in the overseas dependents schools operated by the Department of Defense.

3. Local Application Procedures

A local educational agency applies for funds by submitting for Parts B and C a single Title IV application to the State educational agency. The application also requests funds for the benefit of children enrolled in private nonprofit schools located within the local educational agency. The local educational agency must consult with appropriate private school officials on all matters related to the application, including planning.

Eligible Participants

1. Public School Children

Eligible public school children are those enrolled in public elementary or secondary schools which provide elementary or secondary education as determined under State law, except that it does not include any education provided beyond grade 12.

2. Private School Children

Eligible private school children are those enrolled in nonprofit private elementary or secondary schools which provide elementary and secondary education as determined under State law. "Private" means not under public supervision or control. "Nonprofit", as applied to a school, means a school owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

3. Handicapped Children

Handicapped children enrolled in regular public or private elementary and secondary schools are eligible to participate. Participation is also open to children in State supported or private institutions for the blind, deaf, mentally retarded, and physically or mentally or other exceptional pupils for whom education equivalent to that of public elementary or secondary schools is provided.

4. Instructional Staff

Eligibility extends to any person who is engaged in carrying out the instructional program of an elementary or secondary school including a principal, guidance counselor, school librarian/media specialist, or other members of the instructional or supervisory staff.

Eligible Materials, Equipment and Services

1. School Library Resources and Other Instructional Materials

"School library resources" and "other instructional materials" are books, periodicals, documents, pamphlets, photographs, reproductions, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, including but not limited to those on discs and tapes, processed slides, transparencies, films, filmstrips, kinescopes, and video tapes, or any other printed and audiovisual materials of a similar nature made by any method now developed or to be developed. The only difference between the two categories of materials are that "school library resources" are processed and organized for use by elementary or secondary school children and teachers. The terms include those printed and published materials which are suitable for use and are to be used by children and teachers in elementary and secondary schools and which with reasonable care and use may be expected to last more than one year. The terms do not include furniture or equipment. Paperback and prebound books are eligible.

2. Textbooks

Textbook means a book, reusable workbook, or manual, whether bound or in looseleaf form, intended for use as a principal source of study material for a given class or group of students, a copy of which is expected to be available for the individual use of each student in such class or group.

3. Equipment

The term "equipment" includes laboratory and other special equipment and printed and audiovisual materials and equipment suitable for use in providing education in academic subjects to children and teachers in elementary and secondary schools. Expenditures for equipment may include the cost of raw or processed materials or component parts to be made into finished products, and the cost of making and assembling the equipment. The purpose of equipment is to strengthen instruction in academic subjects, defined as follows:

Academic subjects include, but are not limited to, the following elementary and secondary school subjects: The arts, civics, economics, English, geography, history, the humanities, industrial arts, mathematics, modern foreign languages, reading, and science.

4. Minor Remodeling

"Minor remodeling" means minor alterations which are: (a) made in a previously completed public building used, or to be used, as a laboratory or classroom for instructional subjects and (b) needed to make effective use of equipment in providing instruction in such subjects. The term does not include building construction, structural alterations to buildings, or building maintenance, repair, or renovation. Extension of water and electric lines from inside the building to the space where the alteration is to be done is allowable. Such minor remodeling of public school facilities as may be necessary for the provision of services, materials, and equipment for the benefit of private school children is an eligible expenditure.

5. Testing, Counseling and Guidance

These services may include a program for testing students in the elementary and secondary schools, and programs of counseling and guidance services at the appropriate levels in elementary and secondary schools designed (i) to advise students of courses of study best suited to their ability, aptitude, and skills; (ii) to advise students with respect to their decisions as to the type of educational program they should pursue, the vocation they should train for and enter, and the job opportunities in various fields, and (iii) to encourage students to complete their secondary school education, take the necessary courses for admission to a postsecondary institution suitable for their occupational or academic needs and enter such institutions. Such programs may include short-term sessions for persons engaged in guidance and counseling in elementary and secondary schools. Programs, projects, and leadership activities designed to expand and strengthen counseling and guidance services in elementary and secondary schools are eligible expenditures.

Part B Distribution Formulas

Under Part B, each State is required to develop distribution criteria which provides for a basic grant to each local educational agency based on per pupil enrollments in public and private nonprofit elementary and secondary schools, except that substantial funds are to be made available to two types of local educational agencies. These are: (1) those with substantially greater than the State average tax effort for education but with per pupil expenditures for education (excluding expenditures under ESEA Title I) no greater than the State average; and (2) those with the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as children from low income families, children living in sparsely populated areas, and children from families in which English is not the dominant language.

"Substantial funds" as used in the statute is not defined by regulation because of the legislative history in House Report No. 93-805, p. 28:

> The Committee expects each State to write its own formula for the distribution of funds among local school districts within the broad guidelines set out in the amendment. However, the Committee wants to make it clear that it does expect substantially larger amounts of funds to be made available to the particular types of school districts described.

The States have written their own formulas which operated satisfactorily during the first two years of the program, several using formulas that show perception about groups of public and private school children with unusual instructional needs who have been largely overlooked in the distribution of Federal funds.

In Fiscal Year 1977 about two-thirds of the funds allocated to local educational agencies under Part B was distributed on the basis of an estimated enrollment of more than 52 million, amounting to an average of $1.70 per child. About ten percent was distributed to over 2,243 local educational agencies defined under the tax effort factor, with the remaining amount going to more than 6,000 local educational agencies identified as having significant numbers of children whose education imposes a higher than average cost per child. The number of States using the various target groups of high cost children are shown below:

	1976	1977
Low Income	44	55
Achievement in reading and/or mathematics	3	4
Bilingual Children	24	26
Critical Subjects other than reading and mathematics	-	2
Delinquent children; potential dropouts	1	1
Special Education	19	19
Migrant Children	1	1
Small Schools	6	10
Sparsity	23	26
Special Needs	2	7

Effects on Target Groups

The target groups of children to whom substantial benefits are directed are identified in the preceding section on the Part B Distribution Formulas. The amounts expended to provide Part B benefits to children from low income families, children in sparsely populated areas, and children from families in which English is not the dominant language, and other high cost children vary widely from State to State but in some States are as high as $20 per child. Local educational agencies receiving substantial amounts of funds because of the enrollment of large numbers or percentages of public and private school children whose education imposes a higher than average cost are required to spend these funds for the benefit of these children.

Several States are using children enrolled in small schools or small local educational agencies as a type of child whose education imposes a higher than average cost per child. Small schools have, in some instances, been denied adequate funds for equipment, materials, and services because of State priorities, resulting in serious educational inequities for these children. Direction of substantial amounts of Part B funds to children enrolled in small schools is helping reduce the cultural and intellectual isolation of many of these children through the provision of new books, periodicals, and films. For example, Mud Butte School, of Rhame, North Dakota, a small, rural one-teacher school with 12 pupils in grades I-8 received over $22 per pupil to purchase books and kits to meet the reading interests of pupils and provide new media on the metric system.

In the first two years of ESEA Title IV-B, 25 States and other jurisdictions targeted funds to benefit about two million children from families where English is not the dominant language. In addition to children from Spanish-speaking families, the large majority of children in Bureau of Indian Affairs schools and children in American Samoa, and the Trust Territory of the Pacific Islands speak languages other than English. The Part B program provides additional instructional materials and equipment to support school programs, or testing, counseling, and guidance services for children learning English as a second language.

Local educational agencies receiving funds only under the enrollment and/or the tax effort factors may choose to distribute funds so that all schools in the district benefit; however, subject to the requirements concerning the needs of private school children, local educational agencies may choose their own target groups and have the option to concentrate the equipment, materials, and services provided under Part B in one or more schools according to the educational needs of children attending these schools. This permits local school officials to direct Part B benefits where the needs may be especially great in an individual district, e.g., to provide benefits for a new program, to expand an old program, or serve a particular group, attendance area, or grade or age level.

Participation of Private School Children

The emphasis in Title IV on service to private school children is stronger than in the legislation for the categorical programs and provides broadened benefits. Participating local educational agencies control all Federal funds, hold title to the equipment and materials provided under Part B, and employ individuals who provide testing, counseling, and guidance services but children enrolled in private nonprofit schools in participating local educational agencies must be assured equitable treatment in the purposes and benefits of the program. Local educational agencies are required to consult with appropriate private school officials with respect to planning Part B proposals so that the needs of private school children can be met. In two States - Nebraska and Oklahoma - the State Attorney-General has ruled that the State is prohibited by law from providing for the participation of private school children in Part B purposes and benefits. The Commissioner of Education has waived the requirement for Nebraska and Oklahoma to serve private school children and has contracted for the provision of Part B services, paying the cost from the Part B allotments of these States.

Preliminary reports from State and local educational agency personnel show that the participation of private school children in Part B is consistently high and that the percentage of funds expended to provide Part B benefits to private school children ($3.1 million or about 7%) corresponds roughly with the percentage of eligible private school children in the general school population. Information has been provided to local educational agency personnel on the eligibility of and provisions for participation by private school children in Part B programs and projects. Private school educators have participated in in-service activities concerned with Part B implementation and met with public school officials to discuss the needs of private school children in relation to the choices among the various Part B program purposes.

Private school children have benefitted from all of the Part B program purposes - the use of library materials, textbooks, instructional equipment and benefitting from testing, counseling, and guidance services. Many children from low income families attending private schools in urban areas and handicapped children enrolled in special private schools have been served to a substantial degree under the Part B program.

Maintenance of Effort

In the first year of Part B, the maintenance of effort requirement provided that the non-Federal expenditures of the State and its local educational agencies for Part B purposes for the current year must equal those of the preceding year. Although the requirement was quite rigid, making no allowances for unusual State or local problems, all States and other jurisdictions were able to meet the requirement except Guam which was absolved by P.L. 95-26.

The Education Amendments of 1976, P.L. 94-482, amended the maintenance of effort requirement by applying it to private schools, changing the years to be compared for meeting the requirement, and allowing measurement of non-Federal expenditures on either an aggregate or per pupil basis. The new requirement provides for a comparision of the preceding year with the second preceding year.

These amendments ease the maintenance of effort requirement to a considerable degree; however, P.L. 94-482 amended the General Education Provisions Act to allow additional relief to the maintenance of non-Federal expenditures requirement under ESEA Title IV. States are allowed a small measure of relief for minor deviations from the requirement if they notify the Commissioner of Education of an allowable cummultive reduction of no more than five percent in perpupil or aggregate expenditures from that in the base year. The base year, to be selected by the State educational agency, may be either the preceding year or the second year preceding the year for which a State ecucational agency notifies the Commissioner that it intends to use the allowable percentage reduction.

The other methods of relief in meeting the maintenance of non-Federal expenditures requirement provide a waiver authority to the Commissioner of Education. This waiver can be granted by the Commissioner if there are "exceptional" or "very exceptional" circumstances, "including those resulting from decreasing enrollments or fiscal resources...or both". If a waiver is granted under "exceptional" circumstances, the Commissioner is required to reduce the Part B Federal payment to the State in the proportion to which the expenditures per student or aggregate expenditures were reduced. The statute directs the Commissioner to establish objective criteria of general applicability to carry out the waiver provision. Proposed rules for these amendments will be published in late summer or early fall.

All States and jurisdictions were able to meet the maintenance of effort requirement for Part B in 1977 except Guam which has applied for a waiver. This waiver request and waiver requests from Guam and Texas for 1978 are the only waiver requests under consideration by the Commissioner at the present time.

State Advisory Councils

A State Advisory Council, permissive for the ESEA Title II and NDEA Title III programs, is now mandated for Title IV and has functions related to both Parts B and C. The three functions of the councils are: to advise the State educational agency on program policy and administration; to evaluate the scope and quality of Title IV programs and projects; and to report to the Office of Education on council activities, recommendations, and evaluations.

Title IV advisory councils must be broadly representative of the cultural and educational resources of the State and of the public. At least one person must be appointed to represent each of the following areas: public elementary and secondary schools; private elementary and secondary schools; fields of professional competence in guidance and counseling; and fields of professional competence in dealing with children needing special education because of (1) physical and mental handicaps; (2) specific learning disabilities; (3) severe educational disadvantage; (4) limited English-speaking ability; and (5) because they are gifted and talented.

There is no statutory basis for a regulation requiring specific representation on the councils of the school library/media field. These and other professional groups are, however, frequently represented. In 1976 there were 68 council members representing library/media interests in 42 States and jurisdictions, including representatives from library education, public libraries, and commercial media interests as well as school media. In 1977, there are 81 council members with library/media interests in 50 States and areas.

State advisory council members were especially effective in the first two years of the program in making recommendations on the Part B distribution formulas, interpreting the program to public and private school officials, and the general public, and have begun to take a closer look at the evaluation of Part B projects. Several Advisory Councils have members with considerable expertise in the general area of evaluation which can be brought to bear on projects concerned with instructional equipment and materials and testing, counseling, and guidance services. Councils have also assisted State education agency personnel to structure application forms for Part B funds to include project objectives which can be used to measure impact in a variety of ways - tests, questionnaires, observation, interviews, case studies, etc. The second year of Council reports to the Office of Education, due in October of this year, should provide more complete information on Council activities in relation to Part B, especially in the area of evaluation.

Evaluation

The requirement that State Advisory Councils evaluate the scope and quality of Part B programs and projects for children in public and private nonprofit schools provides real opportunity for the collection of information for planning, programming, implementing, and adjusting Part B program activities. State Advisory Councils and State educational agencies are proceeding to implement the evaluative activities planned during the first year of the program and assess the extent to which objectives for the use in instructional programs of Part B benefits have been met. Ten States in the Middle West have met twice to study and propose evaluation plans for Part B and have distributed draft instruments and designs to other States.

The Office of Education will announce on August 15 the award of a contract for "A Process and Management Study of Consolidated Programs under ESEA Title IV". The study will provide an initial assessment of the implementation of Title IV at the Federal, State, and local levels and of issues or administrative problems of immediate concern. This initial assessment will be based on a review of State program data and reports available in the Office of Education, interviews with appropriate Federal administrators and legislative staff, and from discussions with State and local representatives, including the private school sector, by means of a national workshop/conference.

The feasibility of a more comprehensive assessment of the program and its implementation will be explored and a detailed design for such a study developed by the contractor. At the option of the Office of Education, this more detailed study will proceed and provide detailed documentation on issues earlier identified; national data on State and local management and use of funds, based on a survey of the universe of State educational agencies;

and a national sample of local school district participants, including private schools. State and local case studies will provide further documentation and details on management processes under Title IV.

The overall study will assess the degree of success in "simplifying" administration of Title IV in the Office of Education and in State and local educational agencies. It will also assess the willingness and capacity of State educational agencies to assume additional responsibilities in administering the program; changes, if any, in use of funds under the consolidation and the processes by which the more detailed objectives of the legislation are perceived and being pursued in practice.

Coordination of Title IV Parts B and C Administration in the U.S. Office of Education

States and other participating jurisdictions are required by the statute and regulations to submit an annual program plan for Title IV, Parts B and C. These program plans are reviewed by Committees made up of program officers assigned to Part B in the Office of Libraries and Learning Resources, and to Part C, in the Division of State Educational Assistance Programs, State and Local Educational Programs. (Both of these units are in the Bureau of Elementary and Secondary Education). The chairmanships of these committees are divided between Parts B and C staff. After consultation and negotiation with State educational agencies, and prior approval by OE administrators, the annual program plans are approved by the Commissioner and forwarded to the Chief State School Officers.

These same committees plan and conduct on-site program reviews in State educational agencies, and prepare reports of the reviews, making recommendations for necessary or desirable changes in State administration.

Other activities, such as the development of administrative memoranda, the planning and conduct of Title IV conferences, the preparation of regulations and the resolution of legal questions, are carried out by staffs of the two administrative units in concert with the Office of General Counsel.

Parallel staffs assigned to Title IV, Parts B and C in State educational agencies also coordinate their activities, but in a variety of administrative patterns.

It should be noted that Program Officers for Parts B and C are responsible for Title IV programs in eligible jurisdictions under other Federal agencies, such as the Bureau of Indian Affairs, American Samoa, and the Trust Territory, all under the Department of the Interior. The imminent change in status of the Northern Mariana Islands has required Parts B and C program officers to give special technical assistance to this constituency, as well as to the Bureau of Indian Affairs, American Samoa and the Trust Territory.

STATEMENT OF DICK W. HAYS

Mr. HAYS. We are pleased to appear before your committee today to discuss Title IV, Part B of the Elementary and Secondary Education Act.

As the Chairman indicated, Title IV-B consolidates three previous categorical programs, E.S.E.A. Title II and NDEA Title III, and the guidance, counseling, and testing portion of ESEA Title III.

In authorizing this law, the committee indicated that these programs, as categorical programs, had been successful; that a consolidation was needed to continue them in a more simple administrative structure.

We believe the committee's intent has been carried out in the first two fiscal years of the Part B program. Administrative changes have been made by the statute which provides for greater choices at the local level, a greater extension of benefits to private school children, a distribution formula allowing concentration on need, and the elimination of matching requirements. All these have contributed, we believe, to the program's effectiveness.

In terms of how the first year's expenditures were allocated, at this time we have only fiscal year 1976 reports in, and a percentage breakdown among the three categories indicates 54.1 percent of the money was spent for school library resources, textbooks and other instructional material; 33.7 percent for equipment and minor remodeling and 12.2 percent for testing, counseling and guidance.

Reports have not been submitted yet, as Dr. Burns indicated, for fiscal year 1977, but our informal information is that testing, counseling and guidance have made some significant increases in the percentage of expenditures.

State agencies report that complete discretion allowed local educational agencies to channel their resources to areas of greatest need and to provide for continuity in program planning. Also our information indicates that this discretion has allowed for better coordination of Title IV B programs at the local level.

For example, in the Franklin Pierce School in Washington, a Part B project updated a career education program, by providing materials and equipment and career guidance, as well as individual career counseling.

The Part B distribution formula in each state provides for a basic per-pupil grant to local education agencies based on public and private school enrollments. Additional amounts are allocated to local educational agencies with a greater than state average tax effort, but no greater than State average pupil expenditures, and those with large numbers or percentages of children whose education imposes a higher than average cost per child. The formulas have worked well in the first two years of the program, benefiting all children to a degree, but have done especially well in providing instructional materials, equipment and counseling services to low income children and children from families in which English is not the dominant language.

A number of State education agencies have shown great insights in identifying public and private school children with unusual instructional needs for Part B benefits but who have been largely overlooked in the distribution of Federal funds, for example, children living in sparsely populated areas and gifted and talented children.

In fact, about one-fourth of the funds allotted to local education agencies under Part B is directed to the instructional needs of children whose education imposes a higher than average cost per child.

The emphasis in Title IV on service to private school children is stronger than in the legislation of the previous categorical program. State and local agency personnel report that the participation of private school children is consistently high and that the funds expended to provide Part B benefits to private school children corresponds roughly to the percentages of these children in the general school population.

In the first year of Part B, the maintenance of effort requirement provided that the non-Federal expenditures in the State and local education agencies for Part B purposes for the current year equal those of the preceding years. All States and other jurisdictions were able to meet that requirement except Guam, which was excused by Public Law 95-26.

Amendment to this requirement in the Education Amendments of 1976 eased, considerably eased, this requirement.

Our experience with the State advisory councils indicates they have been effective and are effective in advising on the Part B distribution formulas and interpreting the programs to public and private school officials and the general public.

As Dr. Burns indicated, we are moving ahead with a procurement or a study which will provide for an assessment of the Title IV implementation and its management.

In terms of coordination between Parts B and C, in the Office of Education, both staffs worked very closely together; joint management reviews are conducted at the State level; chairmanship on review teams is jointly handled and we feel that we have a very effective, coordinated mechanism developed.

Mr. Chairman, I would indicate again, as Dr. Burns has mentioned, that we have just completed our first year of complete implementation of the program. We are still young; we have made significant progress. We look forward to answering any questions you may have.

Mr. **Jennings**. Could Mr. Adams summarize his testimony?

[Prepared statement of Dr. Frank B. Brouillet follows:]

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Executive Secretary
BYRON W. HANSFORD

Statement of

Dr. Frank B. Brouillet

Chairman, Committee on Legislation

Council of Chief State School Officers

and

Superintendent of Public Instruction

State of Washington

on behalf of the

Council of Chief State School School Officers

before the

Subcommittee on Elementary, Secondary and

Vocational Education

House of Representatives

July 26, 1977

Regarding Title IV of the Elementary

and Secondary Education Act

Statement by Frank B. Brouillet
Chairman, Committee on Legislation
Council of Chief State School Officers
and
Superintendent of Public Instruction
State of Washington

Mr. Chairman and members of the Subcommittee, on behalf of the Council of Chief State School Officers, and organization representing the superintendents and commissioners of education in the fifty states and six outlying areas, I thank you for this opportunity to present testimony regarding the consolidation of certain education programs under the Elementary and Secondary Education Act (ESEA).

We urge the Subcommittee's continued support for programs authorized under ESEA, Title IV. Of particular importance to the Council are the funds provided under Part C for educational innovation and strengthening the leadership of state and local educational agencies. We cannot state too strongly the significant role these funds have had in assisting SEA's in meeting the emerging and continuing educational needs of the children, youth and adults we serve. The Council will be most anxious to cooperate with the Subcommittee as it procedes towards the development of reauthorization language.

My colleagues and I, as this Subcommittee knows, have eagerly sought ways to improve the administration of the ever increasing number of Federal education programs. It was our hope that the initial provisions of Title IV would have provided sufficient means to reduce the paperwork and the confusion associated with the many categorical programs. While this experiment in consolidation has been partially successful in its intent, we ask the Subcommittee's cooperation in the review of several issues which, when addressed, would serve to improve and strengthen the Title IV program.

Preparatory to our testimony today, the Council of Chief State School Officers surveyed each of its member states and outlying areas as to their experiences with, and reactions to the administration of consolidated education programs under ESEA. Areas of major concern to the states have been identified from these responses. The comments were varied and conflicting but we've identified a core of issues for which we'd like to make recommendations to the Subcommittee.

Rather than go into lenghty discourse of individual experiences with the administration of consolidation in the several states and outlying areas, and in order to save the Subcommittee's time, I will identify each area of major concern and outline various legislative remedies for consideration by this Subcommittee. At the end of my statement, I would be happy to elaborate on any or all of these concerns.

Triggering Mechansim

The consolidation has been triggered and the provisions of P.L. 93-380 now supercede the original enactments. Therefore, it appears that the triggering provisions in the legislation could be repealed, and consolidation allowed to stand as independently as is administratively possible, It would not be desirable, under any circumstances, to return to the original categorical programs.

We would stress, however, that many view the triggering mechanism as an incentive for Congress to keep the appropriation level high enough to protect the consolidation, and if this protection is deemed to be important by the Subcommittee we would be anxious to work toward a solution.

Program Administration

While our state plans and programs reflect the consolidated nature of Title IV, the Office of Education remains divided organizationally into categorical programs. In other words, while we have a comprehensive state plan, each part of this plan is reviewed by a separate office that is concerned with its own categorical function as was in existence prior to any consolidation effort. This has resulted in the impression that the U.S. Office of Education is less than committed to the intent of the legislation. Moreover the Title IV regulations clearly contain an emphasis on categorical programs.

We recommend that the Office of Education undertake a comprehensive review of the present regulations relative to ESEA consolidated programs to insure that regulations correctly reflect the original purposes of consolidation and the experience gained by the States in implementing P.L. 93-380. Furthermore, we recommend that this review be undertaken in conjunction with State Education

Agencies refelcting the Carter Administration position encouraging broad input and involvement by those most affected by programs in the development and promulgation of program regulations.

Single LEA Application

Since the purposes and procedures in Parts B and C are different, the single application requirement for LEAs poses some problems to effective administration of the act. We would suggest the following alternatives. Either the law should be ammended to permit a single application with multiple filings, or perhaps, there should be separate applications for Parts B and C..

State Administration Funds

Having said the purposes of Parts B and C are different, we also must comment that the administration of these programs is interrelated. We find that separate entitlements for the administration of Parts B and C does not support efficient and effective operations. We recommend, therefore, that you consider allowing State Education Agencies to allocate up to 7½ percent of their combined allocation for Parts B and C, excluding funds for strengthening state agencies (which we hope would receive separate authorization emphasis), or $250,000 to administer Title IV as one program. Along with this we recommend that SEAs not be required to account for the expenditure of administrative funds by appropriations source.

Advisory Councils

The Chief State School Officers have a long commitment to the idea of lay involvement in the education process. We have found the inclusion of advisory council assistance very useful. We do feel, however, that in order to be most effective, these Councils must retain an exclusively advisory role and not be involved in the program management responsibility of the State Education Agency. We recommend, therefore, that all administrative functions, including that of carrying out evaluations, should be deleted from the advisory council responsibilities. We also question an advisory council's need to employ persons or contract for services on its own and wish this repealed since the SEA can provide all needed support and services to the advisory councils.

Maintenance of Effort

It is the position of the Council of Chief State School Officers that a single maintenance of effort clause should be enacted in the General Education Provisions Act which is generally applicable to educational programs. Such a provision should contain flexible options in regard to State, district and program determinations. We find the differing maintenance of effort provisions within various Federal programs a source of great confusion within State Education Agencies and feel that one general provision would serve the intent of Congress.

Paperwork

This organization has, as you know, testified many times on the problems of unnecessary paperwork. We realize that this Subcommittee is sensitive to our problems in this area and is seeking ways to alleviate the situation. We offer as one part of the solution, the concept that the General Education Provisions Act should be amended to provide for an initial comprehensive program plan for each program and thereafter require only amendments or annual updates of that plan, rather than the annual filing of voluminous plans that are merely rewrites of the previous year's submission. The state plan required for consolidation was an incredible amount of paper and the necessity to refile the same basic information with merely minor changes is a clear waste of valuable staff time that could be better spent in the delivery of program services and the evaluation of program effectiveness.

Set-asides

In general it is our belief that the need for special earmarking of funds has passed since the enactment of comprehensive targetted legislation. In the area of the handicapped, the enactment of P.L. 94-142 would seem to preclude the necessity to earmark funds for handicapped students under consolidation. Therefore if a comprehensive consolidation package can be achieved, we would recommend that all handicapped set-asides be included in programs for the handicapped.

Hold Harmless for Title IV C

Because of dwindling financial resources and the demographic changes in states, the Council of Chief State School Officers feels impelled to suggest to the Subcommittee that some protection be found for smaller states that will not penalize the larger States. We suggest that perhaps it might be useful to consider a permanent hold harmless provision for small states or perhaps a formula adjustment which brings these states up to the authorization floor.

We appreciate the opportunity to present these recommendations to the Subcommittee. I would be delighted to answer any questions you might have regarding this testimony.

STATEMENT OF DR. FRANK B. BROUILLET, PRESENTED BY JOHN ADAMS.

Mr Adams. I am John Adams, Director of Federal/State relations for the Council of Chief State School Officers.

I am pleased to present a statement for Dr. Frank Brouillet, Chairman of the CCSSO Committee on Legislation and Chief State School Officer in the State of Washington.

Dr. Brouillet was hoping to be here today but was unable to make arrangements to attend the hearing this morning.

On behalf of the Council of Chief State School Officers in the 50 states and six outlying areas that we represent, I want to thank you for the opportunity to present this testimony this morning. I think you could understand from the written remarks that we are very concerned about the continuation of the programs that are authorized under Title IV of E.S.E.A. and, of course, of chief interest to the Chief State School Officer are the funds provided under C to strengthen state educational agencies as well as local education agencies and we would urge continued support for these programs as you consider the re-authorizing language.

As the members of the Office of Education indicated this morning, I think there were some problems in the initial implementation of the consolidation, but I think as time has given the opportunity to shake down some of these problems, that most things seem to be falling into place and the recommendations we have to make I think are relatively minor in comparison to the overall program.

I would just like to summarize briefly some of the areas of concern that we have identified. In preparation for this hearing, we have asked all of the States to submit to us areas of concern, problems, recommendations that they have with Title IV, and in a series of meetings we have evolved the position statement that upports the testimony that we are presenting this morning.

The first area is the triggering mechanism contained in Title IV. : would be our feeling that this triggering mechanism could be emoved from the legislation and while there is some potential afeguard of the appropriation level, I think our recommendation rould be that even if the appropriation level fell below the trigger, re would still not want to return to the old categorical programs. Ve don't advocate lowering the appropriation level, but should it appen we would not be interested in returning to the old categorial program.

In terms of program administration, I think there is some conern in our organization about the organization of the U.S. Office of Education in terms of their ability to handle parts B and C, Title V. We do not want to have the federal legislation prescribe the organization of State education agencies and we are therefore eluctant to recommend organizational structures within the Office of Education.

However, we would suggest there be some thought given to bringing the two parts of Title IV, joined more closely administraively in the U.S. Office of Education, and thta there is some oncern in the States that the regulations that we are currently perating under, too much reflect the old categorical programs, so re would hope the U.S. Office of Education would undertake a omprehensive review of the regulation regarding Title IV and that, hrough State agency involvement, we might arrive at a more seful and helpful set of regulations in regard to Title IV.

Single LEA application, mentioned earlier, has caused some problems. Our recommendation is either that the law should be mended to permit a single application with multiple files or erhaps there should be a separate application for Parts B and C. It very difficult for the administrators of these programs to have ne application for a program that is in a discretionary grant program and one which is an entitlement program so we would suggest a change there.

In terms of State administration funds, we believe that Title IV should be administered as one overall program and that we recommend that the subcommittee consider allowing in the reauthorizing legislation that State education agencies be allowed to allocate up to 7.5 percent of their combined allocation for Parts B and C, excluding funds for strengthening state agencies, or $250,000 to administer Title IV as one program.

Along with this, we would recommend that LEAs not be required to account for the expenditure of administrative funds by appropriations source. In other words, our recommendation is to administer Title IV as one single program within administrative authorization.

In the area of advisory councils, there is no doubt in our mind of the power of advisory councils, but I think in general we have seen in recent years advisory councils—the Title IV advisory council is only one example—of where there has been an encroachment of the management and administrative function by the advisory council.

We recommend, therefore, that all administrative functions, including that of the evaluation which is, I think by definition, a management function, should be deleted from the advisory council's responsibility and also the language which authorizes the advisory council to contract for services outside the State education agency be removed and those responsibilities be assigned to the State education agency.

In terms of maintenance of effort, our program people report there is a fair amount of confusion in terms of the different maintenance-of-effort requirements and while we haven't a specific proposal at this time, we would like in general to suggest that there be one maintenance-of-effort clause in the general education provision of that Act which could be flexible enough to go across all programs.

We would be interested, if there is interest on the subcommittee, in working up a specific recommendation in that area.

In regard to paperwork, as you know, the Council has testified on many occasions about the problems Federal programs have created in terms of the paperwork burden. we also know that the subcommittee is very interested in this area also and, as one part of the overall solution to the paperwork problem, we would propose that a concept that the General Education Provisions Act should be amended to provide for an initial comprehensive program plan for each program and thereafter apply only amendments or annual updates of that plan rather than the annual filing of voluminous plans that are merely rewrites of the previous year's submission.

I think this is particularly true in the area of Title IV.

There are not bold changes in those programs from one year to the other, and the filing of an annual State plan that is really a lot of boilerplate from the year before is really an exercise in paperwork and I think one area where we could make significant reductions in the paperwork burden.

In terms of the set-asides for handicapped, I think our general feeling is with the enactment of Public Law 94-142, that the handicapped program has found a permanent home and that we would hope, and there is an opportunity for a general consolidation, that all of the set-asides for the handicapped be assumed under 94-142.

Lastly, as Dr. Burns mentioned in his testimony, we do have concern for the small States who are being held harmless under the amendments of 1976, but there is a need for some long-term resolution of the problem of the appropriation for these small States and we would urge the subcommittee to work out some resolution of this problem in which we would be happy to cooperate.

I appreciate the opportunity to present this testimony. I think, just to summarize, basically we are pleased with the consolidation that has taken place and that is concerns that we have submitted, if resolved, works, I think lead to more effective and efficient administration of Title IV.

Mr. Jennings. Thank you, Mr. Adams.

Mr. Hays and Dr. Burns, I notice you talk approvingly of the request for proposal sent out recently by O.E. to evaluate Title IV.

You should be aware of criticism which arose last week when some of the planning and evaluation people came to testify and said that request for proposal had been put in Commerce Daily in June with the proposals supposed to be submitted in August or September of this year which, of course, means that the evaluation will not be completed for at least a year, if not two years. And the Title IV consolidation, as well as any of these laws, could very easily be modified in January, February and March when the Congress rewrites these laws.

It doesn't seem to make a great deal of sense to spend $350,000 on an evaluation of a program when the evaluation will be submitted two years after the program may be modified to a significant degree. It was suggested it may have made more sense to have done an evaluation of States going through the process of shifting from seven categorical programs to two consolidations and have been able to provide a report to the administration, as well as the Congress, on what problems arose during the process of consolidation.

I wanted you to be aware of that since you mentioned that in your testimony.

I notice in your testimony that you mention the strong efforts which both of you have made to have this consolidation work administratively in the Office of Education, even though you are in separate units in the Office of Education. And yet there are persistent criticisms from States that despite these efforts of cooperation which have gone beyond what you have had to do, that there seems to be a division of responsibility in the Office of Education, leaving an impression in people's minds that there still are these categorical programs in the consolidation. Do you believe there ought to be one unit within the Office of Education which would administer these consolidated programs?

Dr. **Burns**. The program is operating efficiently and effectively under the current constraints that do exist. I think there have been some major changes in the Office of Education's administrative structure, first of all, with regard to Title IV-C. The four categorical programs were brought together into one division for easier and more efficient administration. Prior to that time they were in three different divisions.

Secondly, the issue of staff. Prior to grants consolidation in the 4 programs that are represented by Part C, there were 86 staff members supporting those 4 categorical programs.

In anticipation of consolidation, there was a reduction in the number of staff going into those programs. The reduction represented a 30 percent cut down to 58. The 58 was then subdivided into 34 people who are now in the Division of State Educational Assistance which operates the Title IV program for Part C, and then the additional 24 savings were used to create what I feel to be a very important future development—and you have already had testimony on it—the national diffusion network housed in the Division of Education Replication.

Overall we had a 30 percent manpower savings in consolidation. Specifically we had a 60 percent saving, but were able to create a new division for an additional educational leadership response.

The other dimension has been the paperwork savings and I think that gives cause to the manpower reduction. In the paperwork area documents in the form of annual program plans, were submitted from the State Departments of Education to the U.S. Office of Education. There were three State annual plans and applications also submitted, and then there were four local applications submitted totaling ten previous documents.

Now we have one application being submitted from the local school district to the state and one annual program plan being submitted from the State to the Office of Education.

I think we have done well in the area of organization. I think the organizational question is under advisement at the present time and there may well be some further conversation on August 3rd when your committee addresses the administration of the Office of Education and the General Education Provisions Act.

Mr. HAYS. Our concern is the same as yours with regard to capable and effective administration of the program. Certainly, as Dr. Burns has indicated, our existing arrangements work out fairly well. We have a proud record of administering these programs.

I think it should be noted that the Office of Education did make certain organizational changes because of Part B and C. Part B, as the previous categorical programs were, was located in the Division of Library programs. Prior to Public Law 93-380, those programs were part of the Bureau of Post-Secondary Education.

In order to bring about better coordination, of B and C, the division and the Office of Libraries and Learning Resources was moved to the Bureau of Elementary and Secondary Education.

The issue of organizational location and the combining of Parts B and C have certainly been aired. There are various views on that. As Dr. Burns has indicated, the discussion has not yet terminated within the Office of Education.

We do believe that some consideration must be given to the thought that part of the rationale for the present location of Part B is that it is located with programs in the Office of Education that deal with libraries and media efforts. Part B has close coordination with these programs as well as close coordination with other programs, such as Part C.

Mr. JENNINGS. Mr. Hays, if I could ask you about one comment in your testimony where you said that it seemed that in Part B a shift was developing toward spending more of the money for guidance and counseling activities and away from spending money for library books and instructional resources.

The National Audiovision Association, which did a survey last year, which was, as we understand it, the first survey done on the expenditure of Title IV, Part B money, seemed to ascertain the same type of trend a year ago and you are telling us today, I guess, that from your own analysis of the data this is developing further.

Do you believe it makes sense to put together in one consolidation what are called "thing programs," such as library books, audiovision equipment, with "people programs" such as an expenditure of funds for guidance and counseling personnel?

Mr. HAYS. First, I would like to comment that we have only informal information, but the trend is as you describe it.

We feel that the program has been administered well in that the consolidation of the so-called material or equipment program, with the people program, has worked out very well.

I would like Ms. Mahar, who is the Chief of the School Media Resources Branch to comment on that. I think she may have some perspectives she would like to share.

Ms. MAHAR. We have a number of examples from projects which have been submitted in our first set of annual reports and from informal reporting, indicating that there is rather interesting coordination of planning for the use of the funds, involving the three components of Part B. Quite a few of the projects reported to us show that equipmnent and materials, the media aspects, are being used to strengthen the guidance programs, in addition to providing guidance personnel.

It is my belief that this coordination is, educationally very sound, and it is much better to have a relationship like this developing, as well as relationship of media with areas of curriculum, than it is to have them separated. I think this trend will grow as the guidance people manage to strengthen their own areas.

I think one of the problems has been that it is difficult in the first year of the program to employ staff. That takes a lot of time. But I think when local educational agencies move further in that direction, we will have even better projects which combine media and guidance services in projects.

Mr. JENNINGS. With Title IV, Part B, there isn't much left to review in a State plan except basically the formula since the decision-making on the use of the funds doesn't even reside at the State level; it resides at the local level. Yet, we had the Library of Congress review the formula for distribution of Title IV, Part B, funds which in approved State plans—in State plans which have been approved by the Office of Education— and the Library of Congress tells us in 13 States there was no consideration at all given to tax effort and in 19 States more than 75 percent or more of the funds were given out on the basis of enrollment.

[Information referred to follows:]

TABLE II:ESEA IV_B,FY 77,LISTING OF FACTOR $ %'S,6-14-77

ESEA IV,PART B--FY 77

LISTING OF THE PERCENTAGES OF STATE ALLOCATIONS WHICH WERE DISTRIBUTED ON THE BASIS OF THE INDICATED ALLOCATION FACTORS

SOURCE: SUMMARY OF FY 77 STATE PLANS PROVIDED BY USOE

NOTE:THE "NEED" FACTOR INCLUDES ALL MISCELLANEOUS HIGH COST PUPIL FACTORS

	STATE	TOT ENR $ %	HI EFF $ %	LO INC $ %	SPARS $ %	NEED $ %
1	ALABAMA	78.0	12.0	10.0	0.000	0.000
2	ALASKA	34.0	0.0	23.0	23.000	20.000
4	ARIZONA	70.0	10.0	0.0	0.000	20.000
5	ARKANSAS	75.0	15.0	10.0	0.000	0.000
6	CALIFORNIA	65.4	5.4	18.4	4.100	6.700
8	COLORADO	45.0	30.0	5.0	5.000	15.000
9	CONNECTICUT	25.0	25.0	0.0	0.000	50.000
10	DELAWARE	65.0	5.0	0.0	0.000	30.000
11	DISTRICT OF COLUMBIA	30.0	0.0	0.0	0.000	70.000
12	FLORIDA	85.0	0.0	0.0	12.000	3.000
13	GEORGIA	70.0	15.0	0.0	0.000	15.000
15	HAWAII	43.1	0.0	0.0	0.000	56.900
16	IDAHO	60.0	30.0	0.0	10.000	0.000
17	ILLINOIS	80.7	8.3	0.0	0.000	11.000
18	INDIANA	63.8	17.0	6.0	13.000	0.200
19	IOWA	68.1	0.0	24.8	0.000	7.100
20	KANSAS	70.0	0.0	10.0	0.000	20.000
21	KENTUCKY	75.0	2.0	10.0	13.000	0.000
22	LOUISIANA	80.0	5.0	0.0	0.000	15.000
23	MAINE	80.0	0.0	10.0	10.000	0.000
24	MARYLAND	65.0	20.0	0.0	0.000	15.000
25	MASSACHUSETTS	40.0	30.0	0.0	0.000	30.000
26	MICHIGAN	48.0	26.0	19.5	3.900	2.600
27	MINNESOTA	85.0	5.0	0.0	0.000	10.000
28	MISSISSIPPI	70.0	15.0	0.0	0.000	15.000
29	MISSOURI	82.5	3.2	0.0	0.000	14.300
30	MONTANA	88.3	3.6	3.3	4.800	0.000
31	NEBRASKA	60.0	25.0	0.0	5.000	10.000
32	NEVADA	72.3	0.0	0.0	4.200	23.500
33	NEW HAMPSHIRE	75.0	9.4	7.6	7.800	0.200
34	NEW JERSEY	45.0	20.0	35.0	0.000	0.000
35	NEW MEXICO	40.0	0.0	25.0	15.000	20.000
36	NEW YORK	70.0	5.0	0.0	0.000	25.000
37	NORTH CAROLINA	70.0	0.0	30.0	0.000	0.000
38	NORTH DAKOTA	70.0	10.0	10.0	10.000	0.000
39	OHIO	69.0	18.0	11.0	0.030	2.000
40	OKLAHOMA	80.0	9.0	0.0	0.000	11.000
41	OREGON	75.0	10.0	0.0	0.000	15.000
42	PENNSYLVANIA	75.0	8.0	0.0	0.000	17.000

TABLE II:ESEA IV_B,FY 77,LISTING OF FACTOR $ %'S,6-14-77

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SOURCE: SUMMARY OF FY 77 STATE PLANS PROVIDED BY USOE

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	STATE	TOT ENR $ %	HI EFF $ %	LO INC $ %	SPARS $ %	NEED $ %
43	PUERTO RICO	43.8	0.0	35.5	0.000	20.700
44	RHODE ISLAND	70.0	0.0	10.0	0.000	20.000
45	SOUTH CAROLINA	70.0	5.0	25.0	0.000	0.000
46	SOUTH DAKOTA	84.0	6.0	0.0	10.000	0.000
47	TENNESSEE	50.0	20.0	0.0	0.000	30.000
48	TEXAS	45.0	15.0	0.0	0.000	40.000
49	UTAH	70.0	15.0	0.0	0.000	15.000
50	VERMONT	40.0	30.0	0.0	0.000	30.000
51	VIRGINIA	75.0	10.0	0.0	0.000	15.000
53	WASHINGTON	75.0	10.0	0.0	0.000	15.000
54	WEST VIRGINIA	75.0	15.0	0.0	0.000	10.000
55	WISCONSIN	80.3	0.3	0.0	0.000	19.300
56	WYOMING	50.0	25.0	0.0	0.000	25.000
	FEDERAL TOTAL	66.1	10.8	7.6	1.912	13.617

Mr. **Jennings**. Now, as you know, the law says that Part B, Title IV funds are to be given out on the basis of enrollment with substantial additional funds going to school districts making a greater tax effort and to school districts with high-cost pupils such as low-income pupils.

I have two questions: If this information is correct from the Library of Congress, why did the Office of Education approve 13 State plans which did not consider local tax efforts in the Part B, Title IV formula for distribution of funds when the law says that that formula must provide for that factor, and when that is about all that you have left to look at in Title IV, Part B?

Secondly, in the interpretation of substantial additional funds, do you believe that substantial additional funds are being provided to school districts in states when 75 percent or more, and in a number of states it is 80 percent, 82 percent, 88 percent in one state, when that much money is being given out on the basis of enrollment?

Mr. Hays?

Mr. **Hays**. I would like to ask Ms. Mahar if she has information on that?

Ms. **Mahar**. I have information on the use of funds for high-cost children. We estimate about 25 percent of the funds go for the high-cost children factor in something like 6,000 school districts.

Mr. **Jennings**. Are you looking at it from the viewpoint of whether those funds are spent on high-cost students once the school district receives those funds, or is that looking at it from the viewpoint of the formula used by the states distributing funds among school districts?

Ms. **Mahar**. I hope we can look at it from both points of view.

Mr. **Jennings**. There is a clear distinction because you can give money to a rich suburban school district and it can choose of its own will to spend it in a poor school, but that doesn't mean that that rich suburban school district should receive substantially more money than a poor rural district which proportionately has many more poor children.

I hope you can make that distinction in your response.

Ms. **Mahar**. I will be glad to. As a matter of fact, I think a great amount of funds for the high-cost children factor are going to school districts less able to support programs. I think there is wide variation among the States in the amounts that they are spending for enrollment. In some States it is very difficult to get them to reduce enrollment—enrollment factor below 85, or 80 percent. Others have gone down as far as 40 percent. So it is a matter of continually working with the States, and we do this in our program reviews, to get them to take another look at this and to increase the amount that will meet special needs.

We have been successful in some States in doing that. In others we haven't been so successful. It is a process of continually working on it.

On the other question that you raise—does that answer your question?

Mr. **Jennings**. It answers the question to the extent of saying that you are working on it, but it seems if the Federal Government is concerned about equalization of resources among school districts that, in a program where the committee made clear in its report that it wanted a shift away from per capita distribution such as previously occurred under Title II of E.S.E.A. and a pro-wealth distribution such as occurred in Title III of NDEA, that it wanted a shift away from that type of distribution towards a distribution which would favor high tax effort school districts and school districts with greater numbers of poor children, that a State plan which says that 88 percent of its funds are going to be distributed on the basis of enrollment and that only the remaining 12 percent of its funds are going to be distributed on the basis of tax effort or low income children, it would seem on the face of it that that type of State plan is not fulfilling the intention of the committee and the intention of the Congress when it enacted this change.

Ms. **Mahar**. We have tried in a number of instances, and succeeded, in getting those States which are hard core States on this subject to come down from 95 to 85 and even down to 80.

I will say we have won some victories in this direction I am afraid we have lost some. It is a continuing problem. It is something that I do think takes time and interpretation and persuasion and I do think we have made gains in this area, but I really don't think it is perfect by any means. I agree.

Mr. **Jennings**. Has the Office of Education set up as an objective of trying to achieve further equalization through this mechanism?

Ms. **Mahar**. Not specifically, although I think this would be an outcome.

One thing that I think you should know, the Part B staff had tried very hard to work on this and in a number of instances where we have insisted, the staff, that the amounts for enrollment be reduced, the Chief State School Officer or someone in a high position in the State Department has called the Commissioner and complained about us doing this.

The Commissioner, in every instance, supported us in what we tried to do, so that was a plus, I think.

Now, the other question——

Mr. **Jennings**. Pardon me. Even on that one, I don't mean to give you a hard time because the law isn't crystal clear on that. It says "substantial funds." It doesn't say 50 percent, 25 percent, or anything like that, but it seems if the Federal Government has as one of its objectives trying to encourage equalization of resources within a State among school districts, that in one of its programs it would not be approving State plans which distributed 88 percent of their funds on the basis of enrollment.

Now, the first question is the tax effort.

Ms. **Mahar**. I have never heard that figure before. I know about the Library of Congress. They Xeroxed our State plans and looked at them. My own idea is that there are fewer than that that do not use a tax effort factor. Are they including outlying areas in that?

Mr. **Jennings**. I included the outlying areas and I believe I may have included the District of Columbia and Hawaii, which would be exceptions.

Ms. **Mahar**. They would make a difference.

Mr. **Jennings**. Even then, if you exclude those, I think you still wind up with 8 to 10 States which did not consider tax effort, and even according to the data which you submitted to the committee earlier in the year after the staff investigation of these programs, even according to that data there are several States: Alaska, Florida, Iowa, Kansas, Maine, New Mexico, North Carolina, Rhode Island, which are not using tax effort at all in distributing these funds.

[The material referred to follows:]

*********** insert 1E ***********

Estimated Number of of Children Eligible to Participate in ESEA Title IV B By Distribution Formulas, By State 1977

TOTALS	1 Enrollment	2 Tax Effort	3 Low Income	4 Sparsity	High 5 Non-English	Cost 6 Other		7 Total High Cost Children where no breakdown by types was available
ALABAMA	853,470	79,491	65,456					
ALASKA	91,740	0	4,372	11,459		H 5,064		
ARIZONA	390,518	319,467	✓	✓		H,M ✓		218,523
ARKANSAS	291,228	55,187	✓			I,A		81,200
CALIFORNIA	4,399,240	1,807,302	616,959	134,606	223,736			
COLORADO	529,794	317,613	121,849	23,317	5,625	M 4,198	G 59,017	
CONNECTICUT	755,141	234,856	✓	✓	✓			437,715
DELAWARE	15,408	17,461		✓		H,F		40,359
FLORIDA	1,734,312	0		122,096		S 28,151		
GEORGIA	1,143,990	173,967		✓	✓	G,I		4,247
HAWAII	212,000	0			[illegible] 10,000	R 13,700	Guid 8,700	
IDAHO	170,922	65,081		10,233				
ILLINOIS	[illegible]	302,000	✓		✓			400,000
INDIANA	1,275,685	255,607	112,962	197,734		I 3,151		
IOWA	671,042	0	91,642			H 26,246		
KANSAS	306,996	0	50,076	153,196		H 41,600		
KENTUCKY	756,073	14,020	73,080	81,357				
LOUISIANA	986,128	155,338	✓		✓		H	215,448
MAINE	249,705	0	39,413	38,799				
MARYLAND	998,312	576,615		52,395		C 66,957	R 120,918	
MASSACHUSETTS	1,382,414	192,560	✓		✓			115,345
MICHIGAN	2,352,763	370,243	223,736	70,053	34,823			
MINNESOTA	587,000	30,619	✓	✓		H [illegible]		192,235*
MISSISSIPPI	565,798	70,965	✓	✓			H	56,191
MISSOURI	1,107,509	85,476	✓				H	95,613
MONTANA	185,000	15,000	14,000	20,000				
NEBRASKA	359,792	121,402		9,549	904	H 174	SS 6,336	
NEVADA	138,751	2,870			✓		G,H	6,865
NEW HAMPSHIRE	195,650	42,157	17,207	35,023	489			
NEW JERSEY	1,825,000	499,093	A 728,000					
NEW MEXICO	286,500	0	47,913	14,333	72,537	S 27,382		
NEW YORK	4,006,091	225,683				B		1,259,430
NORTH CAROLINA	1,212,337		312,545					
NORTH DAKOTA	146,636	26,032	16,107	2,178				
OHIO	2,391,799	344,132	201,000	128	18,702	I 4,5[illegible]		
OKLAHOMA	608,336	52,062	NP 342	NP 542		P(L,Bi,H= 69	558(NP(H 949)G	2,474
OREGON	498,301	51,065	✓	✓	✓	A,I		34,976
PENNSYLVANIA	2,395,905	98,795	✓				H	185,105
RHODE ISLAND	207,981	0	17,995		9,065	H 5,707		
SOUTH CAROLINA	674,817	167,046	176,662					
SOUTH DAKOTA	154,393	14,239		26,911				
TENNESSEE	930,086	163,285	✓			F,I		119,151
TEXAS	2,959,866	1,121,363	✓	✓	✓			837,648
UTAH	308,841	41,054	✓	✓	✓			19,635
VERMONT	115,177	28,645	✓	✓	✓	H		57,588
VIRGINIA	1,163,885	206,569				G,H,V		82,362
WASHINGTON	531,966	308,752	✓	✓	✓			216,626
WEST VIRGINIA	402,930	160,588				H,C		13,294
WISCONSIN	1,136,669	3,379	106,483		11,533	A 15,934		
WYOMING	91,052	55,570	✓	✓		G		7,637
AMERICAN SAMOA	11,308	N/A		✓	✓	H = Immigrants		6,091
TRUST TERRITORY	38,736	0		12,079	3,359		G 196	13,585
DISTRICT OF COLUMBIA	150,050		✓			H,S		63,683
GUAM	33,300	N/A				E		
PUERTO RICO	698,779	0	160,381	32,515		Inmo 45,756		238,652
VIRGIN ISLANDS	31,159	0				C		20,306
* BIA	43,366	N/A	✓	✓	✓			not available

*Public and Private

Ms. **Mahar**. Those States claim they have equalization. One of them this year, we insisted that they use the tax effort factor when they had assured us that they could't use it or didn't need to use it, and we went to the Office of General Counsel about that and so you can take one of those off the list. North Carolina this year is using a tax effort factor although they have a rather peculiar and different kind of method for supporting education. They have a very high state aid program which makes it difficult for them to assess tax effort. But we did go to the General Counsel about that particular question.

The others have all certified that they have equalization and that they do not need to use the tax effort. In each case where they have said that we have asked one of our specialists in school finance to look at their rationale, and he is an expert in school finance.

Mr. **Jennings**. Is that Dr. Johns?

Ms. **Mahar**. Yes. He looks at every one of those for us. We do not give approval for not using the tax effort unless Dr. Johns says they are operating under equalization.

Mr. **Jennings**. Could you submit something for the record on the manner in which you do that? That is not something in the law. You have been waiving a provision of the law where a State says it has an equalized program. I think it would be helpful to have that in the record.

Ms. **Mahar**. We haven't done it unless their position was substantiated by Dr. Johns' review, and he does know, of course, because of his program, whether they have equalization. You want me to include that.

Mr. **Jennings**. I would like an explanation of that in further detail by State, please.

[The information submitted follows:]

SUBJECT: States and other jurisdictions not implementing requirement of ESEA Title IV, Part B for distribution of substantial funds to local educational agencies on the basis of tax effort.

Section 403(a)(4) of P.L. 93-380 requires that State plans must provide assurances

> "...that substantial funds will be provided to (1) local educational agencies whose tax effort for education is substantially greater than the State average tax effort for education, but whose per pupil expenditure (excluding payments made under Title I of this Act) is no greater than the average per pupil expenditure in the State..."

In fiscal year 1977 nine States omitted tax effort provisions in their Title IV, Part B, distribution formulas. These States were Florida, Iowa, North Carolina, Alaska, Kansas, Maine, Nevada, New Mexico, and Rhode Island. In their fiscal year 1978 program plans Florida, Iowa, and North Carolina included a tax effort provision in their formulas leaving six States with no such provision for fiscal year 1978.

Of these six States all, with the exception of Kansas, equalize all but a minor portion of the yield of local tax effort. That is, these States in one form or another guarantee to all districts essentially the same return for the same effort. In Alaska, Maine, Nevada, and New Mexico this is accomplished through foundation programs where a uniform tax effort is required of all districts. In Rhode Island a percentage equalization formula is used. This approach does permit different effort levels within the equalized program, but guarantees the same return for the same effort with the caveat of a minimum 30 percent matching ratio. There is no unequalized leeway for current operating costs in the Rhode Island formula; and as a consequence, while differences in effort levels are permitted within the equalized program, such a formula would be highly unlikely to produce high effort - low expenditure districts.

Unequalized leeway is the factor which would produce effort differentials in the foundation program States. In Maine, leeway revenues are permitted but are equalized. In Nevada unequalized leeways are permitted, but the State education agency reports that all districts are levying the maximum permitted leeway millage. Consequently all districts have the same effort in that State.

In Alaska, unequalized leeway effort is also permitted. However, upon examining expenditure and tax effort data published by the University of Alaska[1] we were unable to identify low expenditure districts with high tax efforts in Alaska. Anchorage might constitute an exception.

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[1] Alaskan Interregional Cost Differentials, Center for Northern Educational Research, University of Alaska - Fairbanks, March 1977.

The other foundation program State (New Mexico) permits no leeway tax levy.

Kansas differs from the other States in that it does permit substantial unequalized leeway millage primarily for the special and vocational educational programs. Additionally it applies expenditure restraints on the equalized portion of district budgets in such a way as to prevent certain districts from making as high a tax effort as other districts. On the basis of information available to us, however, these features have apparently not resulted in a significant number of low expenditure districts making a high tax effort in Kansas.

Eight States and jurisdictions which operate as a unitary school system do not include a tax effort provision in their program plan. These are: Hawaii, American Samoa, the District of Columbia, Guam, Puerto Rico, Trust Territory, Virgin Islands, and the Bureau of Indian Affairs.

Since no local taxes for the current operating program are permitted in these States and jurisdictions, a local tax effort provison cannot be applied.

In order for Federal program officers to be absolutely certain that States which decline to include a tax effort provision in their program plan are doing so properly, USOE would have to require the submission of wealth, revenue, and expenditure data by district. We have not required the submission of such data in the past in order that Federal information requirements on States be kept at a minimum. However, in view of the Subcommittee's interest in the application of the tax effort provision, we are considering making the submission of such data a mandatory requirement.

Dr. Adams, do you believe the former Title V funds for strengthening State Departments of Education makes sense in the Part C consolidation, or do you think that would make more sense in a different consolidation or in an different part of the law? Does it make sense to be included with innovative programs in the Part C consolidation?

Mr. ADAMS. I have a couple of responses.

One is, no one in our review process has suggested the old Title V funds should somehow be housed somewhere else, so I would say from our constituents that that has not been identified as a problem.

Secondly, my own experience indicates there is something of a natural tie between the old Title III programs and the old Title V. The idea of innovation and strengthening State agencies are not dichotomies. There is some relationship there and oftentimes are administered in a unit called planning and development, or planning and evaluation or something like this, so there is kind of a natural tendency for those to grow together.

The third type of response would be—and this is only on a very global kind of scale—is that there has been some discussion that maybe we ought to look at the whole area of strengthening State education agencies, and the provision of administrative funds through various programs, that somehow that might be tied into one overall package, but that is a very amorphous, very general kind of conversation. I would say basically our position would be to retain it where it is unless there is some new dramatic program that would arise.

Mr. Buchanan. Given the apparent success of Part C (Innovative Programs) would it now be possible to add some money to that section and then phase out some other programs like metric education, community schools, environmental education, etcetera?

Mr. Adams. That is a possibility. If that is a viable option, I would like to circulate that among the States and get their reactions. My reaction to that would be that it would be favorable, yes, to do that.

Mr. Buchanan. Do you have any comment on any of the questions I have asked Dr. Burns?

Dr. Burns. The one you first addressed to Mr. Adams regarding the paperwork, I think there has been already a significant reduction in the amount of paperwork, in both the application process, as well as the grant award process, where there were previously 13 documents being submitted to either the State or to the Federal or directly from local to Federal.

There is now one going from the local to the State in the form of an application and then there is one annual program plan going from the State to the Office of Education.

Likewise, that same statistic applies to the grants awards document where there were previously 13 in this rippling effect back and forth. There are now 2 from the Office of Education to the State and one from the State to the local.

The other significant reduction in paper work I think that is noteworthy is the reporting requirement. In previous categorical programs there were over 4,000 data items requested and collected by the categorical program. It was interesting in the first year as we started to gear up for implementation. Each program manager of the 7 programs represented in the consolidation were asked, what do you now feel that you need? When we looked at that, the 4,000 items went to 10,000 items. It offered an opportunity for more. It took a long and tedius process, and I think it was a compliment to those who were involved to reduce the previous four thousand down to 293 items which are now contained in the reporting requirements for consolidation.

Mr. Buchanan. That sounds like progress.

Are there questions, gentlemen?

I want to thank the witnesses for their testimony and express my regret that the House being in session and conflicting business before the Rules Comittee has made it difficult for members to stay on board.

I thank you for your testimony.

This hearing will be adjourned until 9:30 a.m., tomorrow.

[Whereupon, at 11:05 a.m., the subcommittee was adjourned, to reconvene at 9:30 a.m., Wednesday, July 27, 1977.]

Mr. **Buchanan**. Dr. Burns, how do you assure that non-public students are included in innovation programs and how do these students fare under Part C?

Dr. **Burns**. The non-public school student is participating. We have this year recorded 86,000 people in non-public schools were participating It represents an average of 6.9 percent which is, we feel, a very good response, given the fact that this was the first-year consolidation.

To say it another way, the percentage of public school children participating was 2.5 percent of the total population and the non-public was 1.6 percent of the total population. The total population participating the first year was 1.2 million children.

The law requires that the applications submitted by the local school district to the State Department of Education indicate a number of things. One, that the private school officials have been involved and consulted in the preparation of an application. They have been given that opportunity. They also are required to indicate the total number of non-public school students that are in that school district and then also to indicate the number or percentages of youngsters given that total that will in fact be participating, or suggested to be considered for participation in the competitive process of that Part C application to the State Department of Education.

Section 406 of the law was broken out in our regulations to deal very specifically with the services that should be provided to the non-public, as it speaks to the equitable participation. It allows for services which may be different to the non-public school students if in fact their needs are different from public school students. I think that, given all of the Federal legislation currently on the books, Title IV is perhaps the most definitive of all at the present time.

There is also on our advisory council the mandate to have a non-public school representative be present as part of the advisory council to confer with and provide advice to the State Department as an advocate for participation of the non-public school constituency.

Mr. **Buchanan**. Thank you.

Mr. Adams, should guidance and counseling be moved from Part B to Part C?

Dr. **Adams**. We have discussed that at great length, Mr. Chairman, in our own organization. It is an issue we have been unable to resolve. In some states they report problems with counseling in Part B and would like to have it removed and perhaps put into Part C, or somewhere else—"Z."

Other states report it is working quite well. The LEAs report they like the flexibility. I think our recommendation would be if it is going to be relocated that it not be relocated in Part C.

Mr. **Buchanan**. In your judgment, has the consolidation resulted in reduced paperwork?

Mr. **Adams**. Mr. Chairman, I believe there has been a movement in that direction but there is still a long way to go. We know the subcommittee is very interested in the whole issue of paperwork and we hope to work closely with the subcommittee in the next few months to have some very specific recommendations made where we think paperwork—unnecessary paperwork—can be reduced.

PART 8: ESEA CONSOLIDATED PROGRAMS

WEDNESDAY, JULY 27, 1977

House of Representatives,
Subcommittee on Elementary, Secondary and
Vocational Education,
Committee on Education and Labor,
Washington, D.C.

The subcommittee met, pursuant to notice at 9:34 a.m., in room 2261, Rayburn House Office Building, the Hon. Carl D. Perkins presiding.

Members present: Representatives Perkins, Kildee and Goodling.

Staff present: John F. Jennings, majority counsel; Nancy Kober, staff assistant; and Christopher Cross, minority senior education consultant.

Chairman Perkins. The subcommittee will come to order.

PANEL OF MRS. MARY ANN HANNA, DIRECTOR, SCHOOL LIBRARY/MEDIA PROGRAM, MICHIGAN DEPARTMENT OF EDUCATION; MRS. CAROL A. KEARNEY, DIRECTOR, SCHOOL LIBRARIES, BUFFALO PUBLIC SCHOOL SYSTEM, BUFFALO, NEW YORK; MS. LOUISE C. BEDFORD, INSTRUCTIONAL MEDIA COORDINATOR, MONTGOMERY COUNTY SCHOOLS, KENTUCKY; DR. JUDY LOMBANA, CHAIRPERSON, GOVERNMENT RELATIONS COMMITTEE, AMERICAN PERSONNEL AND GUIDANCE ASSOCIATION; MR. LAWRENCE JACKEL, LITTON EDUCATIONAL PUBLISHERS, REPRESENTING THE ASSOCIATION OF AMERICAN PUBLISHERS, AND ROY H. MILLENSON, ASSOCIATION OF AMERICAN PUBLISHERS

Chairman Perkins. We are glad to welcome this distinguished panel before the subcommittee this morning. We want to be as helpful as we possibly can to the libraries. We have tried to work for your welfare in the past and that will be our purpose in the future.

Naturally we are in the process of working on a bill that we hope to get to the floor by early March of next year. Your testimony will be of great interest to us.

Without objection, all the prepared statements will be inserted in the record and you may proceed, Mrs. Bedford, in any way you prefer.

STATEMENT OF MS. LOUISE C. BEDFORD

Ms. **Bedford**. Thank you, Congressman Perkins.

We appreciate the concern of the committee. I am glad to be here and I hope some of the things we say this morning help to improve library/media situations for boys and girls, not just in Kentucky, but every place.

You have my prepared statement and can look at that at your leisure.

[The prepared statement of Louise Bedford follows:]

Statement of
Louise C. Bedford
Instructional Media Coordinator, Montgomery County Schools, Kentucky
before the
Subcommittee on Elementary, Secondary, and Vocational Education
of the
House Education and Labor Committee
on HR 15
July 27, 1977

My name is Louise C. Bedford. I am Instructional Media Coordinator for Montgomery County Schools near Lexington, Kentucky. It is a school system of about 6,000 students from kindergarten through twelfth grade. I have held office in both the Kentucky library and school media associations, and I also represent Kentucky on the Executive Board of the Southeastern Library Association. I have been in public school service for over 31 years, and I have had experience with both ESEA Title II and with the consolidated Title IV-B program. It is with great pleasure that I appear before you today on behalf of the American Library Association to share some of my experience with you as you consider reauthorization of the Elementary and Secondary Education Act.

I must admit at the outset that I prefer the Title II program of categorical assistance to school libraries, and I say this because that program insured that needed library resources got to every school. We needed basic library resources in Kentucky, and we still need them. However, I am not asking you today to return to the old Title II. The IV-B program has been of great assistance, and I believe that it can also meet the goal of providing needed library/media resources to every school if certain changes are made in the law. I will spell out those changes, but first I want to tell you about our situation in Kentucky.

In many of our rural and mountainous counties, school library/media centers exist at a minimum level. In many elementary schools, there are no staffed school libraries at all, just small book collections. In one county the elementary school collections contain many discards from public library collections in another state. Many of the volumes are tattered and coverless. Reference materials are woefully inadequate. In such schools there is no trained specialist to select challenging and relevant learning materials, no one to stimulate the students' use of books and audiovisual resources. In other schools the funds available to the library/media specialist for materials are pitifully small. One high school library with inadequate collections shares quarters with the lunch room and study hall. Reference materials are housed in a workroom, and the librarian works under almost impossible conditions.

In most areas of Kentucky we have a great need for basic reference books to enable students to research a topic; for interestingly-written books to supplement textbooks and bring history to life; for slides, filmstrips, and phonorecords so children can see and hear the art and music of other countries and times, and to make science real so that students can see how a cell divides or experience the excitementof man's first steps on the moon. We need the materials that allow a child freedom of choice in the media center--freedom to choose books that make reading fun, freedom to select a filmstrip to satisfy the curiosity aroused in the classroom. Freedom of choice is a great learning motivator. If education is to be effective, we must have the materials children need to provide this motivation.

Is Title IV-B helping us provide learning resources for Kentucky's schoolchildren? Yes, it is, but the assistance it provides could be much more effectively utilized. Let me illustrate. Since consolidation of the library resources, equipment, and guidance programs, the local educational agency can choose to spend its funds among any or all of the three program purposes. This decision is most often made by the local school superintendent who decides how and for what the money will be spent with little or no input from any other school personnel. A school media specialist may receive a piece of equipment on which a substantial portion of the IV-B funds were spent without any knowledge of its being ordered, and without having been asked whether there was any need for the equipment or whether there were any resources to use with the equipment.

In some schools in Kentucky, IV-B funds have been spent for general school and office equipment--things like copy machines, typewriters, filing cabinets, spirit duplicators, ice machines, equipment for an offset print shop, as well as items peripheral to basic learning such as an electric pottery kiln, trampolines, sabre saws and other tools. It is difficult to justify such items as making a significant contribution to the educational achievement of students. One very poor county spent a major portion of its funds on microscopes for elementary schools, another on calculators for the mathematics department--both nice to ha[illegible] but these schools are way below state standards for library/media resources, and need basic materials badly. In one school system only $400 out of about $3,000 in IV-B funds was spent on library resources. The rest went for band instruments, an electric typewriter, and textbooks. In a county where all but one of the elementary schools have no libraries and the middle school has no library, the entire IV-B amount is being spent for a counselor's salary, benefits and travel expenses.

At the state level, lack of a trained media specialist to serve as the ESEA IV-B Coordinator and a philosophy that all decisions concerning the program should be made at the local level, leads to very perfunctory review of IV-B applications. Among library/media personnel at the local level, there is a lack of awareness of the program, and ignorance of how much money has been allocated and when it is available. Local school officials often do not make this information available to the appropriate staff memebers, but simply spend the funds in the easiest and least troublesome way possible. The result is that the schoolchildren are being short-changed, and these federal dollars are not being spent in the most effective way.

Removal of local salaries from Title IV-B and a little extra money spent for state leadership would do wonders for this program. Last year the Kentucky School Media Association spent funds which come from the dues paid by its members to alert media librarians when IV-B money was available so they could make their needs known. This should not be necessary. It should be the duty of the state department administering the program to advise all school media librarians about the program and the funds available, and to encourage and require consultation of school administrators with library/media personnel. Good media service will not be possible unless administrators confer with and use the abilities of their media people. Sufficient state level personnel should be available to provide this informational function, as well as to keep track of how funds are spent, to make sure they are spent for basic learning needs of students, and to provide technical assistance and training to local school media personnel in the use of newer kinds of learning resources and in new trends and skills. I strongly believe that money spent for such a statewide leadership program would pay for itself many times over in a better coordinated, more effectively operated program which will result in better education for our children.

This can be accomplished with the existing Title IV-B program by making the following changes:

1. Take local salaries for guidance and counseling out of the basic pass-through program. You would then have a very sensible consolidation--library resources, equipment, and guidance, counseling and testing materials.

2. Provide funds for state leadership purposes. This need should not be met at the expense of the needs of the local educational agencies--that is, not by increasing the five-percent setaside for administration. Instead, a separate authorization should be created for state leadership for all program purposes, and divided 50 percent for library/media leadership and 50 percent for guidance and counseling leadership.

3. The maintenance of effort provision should be continued so that federal funds do not supplant local support of education. However, present law requires maintenance of effort only at the state level. It belongs more properly at the

local level where the funds are spent, and the statute should be changed to provide for this.

4. Tighten up the eligibility criteria for purchase of items with IV-B funds. The basic needs for materials and equipment are so great that I feel the federal money is wasted when it is spent on items peripheral to academic learning.

5. The state advisory councils are supposed to be representative of all educational constituencies. Mandating library/media representation on these councils would provide input from one important segment often neglected, and would strengthen the councils since media resources support all programs.

6. The trigger mechanism,which provides that Title IV-B will go back to its component categorical parts if funding falls below previous levels,should be retained. Congress intended that the consolidation should not be an excuse for decreased funding, but rather a means for providing more flexibility at the local level. This point is still valid, and the trigger provision is still necessary.

Finally, I would like to express my strong support and the support of the American Library Association for federal reading programs such as Right to Read and the Inexpensive Book Distribution Program. Right to Read, the National Reading Improvement Program, provides very useful and effective demonstration programs. The Inexpensive Book Distribution Program, through contract with Reading is Fundamental (RIF), provides a matching program of book distribution to students. The books are given to the students or sold at very nominal prices. RIF has generated tremendous enthusiasm among the children, and is a highly effective remedial reading tool. Nothing motivates a child to read like being able to choose books of his or her own. RIF is a modest little program, but the results are more than modest--they are spectacular. This program deserves continued support.

Mr. Chairman, I thank you for the opportunity to be here today.

Ms. **Bedford**. There are just two or three things to emphasize and I want to speak a little to that.

In the spring of 1977 one of the few communications that we received from our State Department of Education in Kentucky, was with a summary of statistics on what will be spent under Title IV-B. When I say one of the few communications, Governor Carroll has an austerity program going now and the number of memos or letters that can be sent out are limited and we do not get as much output from the State Department now as we did in some years past. We hope this will change some time in the near future.

In that summary the statement is made that the 1976-'77 Title IV-B allocation indicates that approximately 50 percent has been spent for school library resources. The total allocation to districts was $2,174,414 with division as follows: School libraries, $1,090,270.62; equipment, $738,934.71; guidance, counseling and testing, $344,361.67.

On the surface the committee would assume that school media library people were satisfied and felt that we had had a very, very ample share of Title IV-B.

One of the points I would like to make this morning is that many times these statistics are misleading. I want to give you some examples of that, things that have happened in Kentucky that I think will be of interest.

I am going to give just a few of these because of the shortage of time. I will not mention the names of any of the counties involved, but you will be able to verify any of these through the State Department of Education if you so desire.

We have one case here of a county in the eastern region of Kentucky which had a IV-B allocation of $18,426. One hundred percent of their allocation went to guidance and counseling. Out of that total only 1 out of 15 schools in that county had a local board appropriation for library materials.

Eleven school library collections in that county did not even begin to meet recommended state standards. This is one example.

Another example is also a county in the eastern part of Kentucky that had a IV-B allocation of $37,720. Out of that they show on the record that they allocated to library instruction materials $10,650 and equipment of $15,470. Out of over $25,000 there only $3,000 was actually expended for print materials. These are only a few examples.

I want to stress one or two of the points made in my statement. I think probably a good many of the things we are concerned about as far as IV-B is concerned right now could be solved if we could develop some strong state leadership, if we could have some media people in a position of helping administer the IV-B program statewide.

In Kentucky, for example, I am not concerned about Jefferson County or Fayette County and, truthfully, I am not concerned about Montgomery County because I will be in there and I am going to be talking and putting up the fight for library/media facilities. I am terribly concerned for something over 100 counties in that state though, where possibly personnel is not going to be very articulate and is not going to be putting up a strong fight for library/media facilities. That means that the answer will have to come from the state level. We will have to develop some state leadership there to carry on the fight.

I might add that in those hundred or so counties in the State of Kentucky is where you will find the majority of your boys and girls and this is the thing I think we are obligated to consider.

I think if we had strong state leadership, it would possibly help the input of the state advisory council. We have been concerned about our state advisory council in Kentucky.

In the beginning we had no library/media person on the council at all. After protest letters from Kentucky Library Association, Kentucky Media Association, this type of thing, we did succeed in having one person serving on the State Advisory Council now.

I feel that it would be in the interests of the wise expenditure of this money which you appropriate if you would see that there is ample representation of all of these disciplines on this state committee. I don't think it should be left to the judgment of the state. I think it should be a mandatory thing.

I also am going to suggest to you gentlemen that it not be just one person from each of these disciplines that are involved here, but that there should be possibly three or four representing regions of each part of the state so that the state is thoroughly represented there from several regions.

I am going to be very frank and tell you this: With one representative there, you may have someone who doesn't speak up and say anything at all. If you have three or four representatives there, by the law of averages you are going to have at least one who will speak up and put up a fight for their particular department. I think this will be a good thing.

Secondly, I think there needs to be a great tightening of the eligibility requirements for these funds. I think a part of this responsibility will have to go with state leadership again to really thoroughly review these projects after they are received. When you start buying such tings as ice machines and student lockers and this type of thing, I think it is time that you start having a good reviewing authority and that should be written into this law in some way. There are gross abuses of the types of things that are being purchased at the present time.

The last point with which I am concerned is the dissemination of information about Title IV-B in Kentucky. At the present time you have the allocations for this year of Title IV-B out on the desks of superintendents. They are just beginning to think about writing your project right now. We are entirely at the mercy of these superintendents, whether they tell us how much money has been appropriated for our local district and, of course, we are sort of like being in an open marketplace.

We have three stations there bidding and I think sometimes personalities enter into this with perhaps stronger personalities prevailing on some of these projects which I think is not a good thing.

I think there should be some mandatory requirement that when this allocation is made to the local districts that each of the three people involved there representing the three departments will know how much money is available so they can at least bid and get their bid into the marketplace.

In many places in Kentucky today a superintendent, or maybe a Federal project writer on the staff, arbitrarily decides what will be done and we have no chance to bid at all.

Thank you, Mr. Chairman.

Chairman **Perkins**. You have been very frank and forthright. We are certainly delighted to have someone who is so forthright and understands the problem. You have been very helpful to the committee.

I hate to see the need for leadership go begging in certain areas of the states. Being familiar with my own district, I know everything you say is nothing but the truth. I am delighted that you came up here, Ms. Bedford, and we will look forward to your coming back again some time. Perhaps we can improve the legislation in some way.

Our next witness is Mrs. Mary Ann Hanna.

STATEMENT OF MRS. MARY ANN HANNA

Mrs. **Hanna**. My name is Mary Ann Hanna. I am the Director of the School Library/Media Program, State Library Services, Michigan Department of Education.

My staff and I are responsible for meeting the information needs of the K-12 educational community by doing reference searches and providing consultant service in the field. Since 1960 I have been deeply involved with Michigan's school library/media programs as Head School Library Consultant, Coordinator of ESEA Title II, and now as ESEA Title IV-B Consultant and Director of the Library/Media services program for schools.

As a representative of the American Library Association and speaking for one state's involvement in the ESEA IV-B program, I am very grateful for this opportunity to appear before you today as you consider the extension of the Elementary and Secondary Education Act through HR 15.

Michigan students and teachers have greatly benefited from federally-funded programs such as ESEA II, NDEA III and Guidance, Counseling and Testing, but the need for information and services such as provided by these programs seems to intensify rather than to diminish.

Also, the requests for information that we receive at the State Library still indicate rather large gaps, in what might be considered rather basic information, at the building level across the state. Apparently, even if the school once owned materials to answer the question, such material is no longer available. So the need for federal assistance is still evident; state and local funding cannot completely fill the gap.

I like Title IV-B. Not that the past two years haven't been difficult. It was worse than the beginning times in Title II. Changing procedures, additional paperwork, educating staff—all these consumed time, effort and scarce dollars. But those are state-level internal problems and once settled have no effect on the real impact of the program upon students and teachers. At this point we are just beginning to get things under control. What we need now is time to see how the program really works.

The American Library Association did not support consolidation of ESEA Title II in 1974, but our members all across the country have made a good faith effort to make the new Title IV-B consolidated program work. Based on our experience so far, we believe certain changes should be made to IV-B to eliminate the bugs. We believe Congress would be well advised to keep the program and eliminate the bugs, rather than embarking on an entirely new program. To institute major changes at this time would result in throwing states and local education agencies (LEAs) into great confusion at the very time they are just beginning to emerge from the confusion caused by the 1974 amendments.

We agree that combining materials and equipment makes sense. The possibilities for curriculum enrichment are vast. School people like the combination—and no matching money is necessary. Perhaps some instances of poor judgment are evident but on the whole Michigan students and teachers have available, through this program, a vast array of needed materials, equipment and services. Statistics taken from the 1975-76 and 1976-77 applications show that in both years the majority of expenditures were in the same curriculum areas (in descending order): English/Language/Reading, Social Studies, Science, Career Education, Mathematics and Arts & Humanities. Materials and equipment expenditures in these areas are close, with a slight edge to materials.

One thing Michigan educators cannot understand readily—that is the inclusion of personnel under Guidance and Counseling but not in other areas. We have funded very few guidance counselors in the past two years of ESEA IV-B. One reason, perhaps, is that superintendents are reluctant to hire professional staff who receive tenure after two to three years and so cannot be released when Federal funds are not available. Only 39 guidance projects in 1976-77 included personnel and most of those were clerical staff for guidance offices.

However, in other states, some school/media specialists report that all Title IV-B funds are being spent for local guidance salaries. The combination of materials, equipment and salaries in the same program has created an unfortunate competition between "things" and "people." Where the LEA receives enough funds to support one or more salaries, the total amount is much more likely to be spent in this way, leaving nothing for library resources or equipment.

In an attempt to solve this problem, we suggest two main points as changes to Title IV-B:

(1.) Retain all the program purposes—guidance, library resources, equipment—but remove salaries from the 95 percent pass-through funds. This would provide a very flexible, consolidated program to provide resources and equipment to support a wide spectrum of educational activities. Funds could continue to be spent where needed for guidance and testing materials. The result would be a more rational and workable consolidation.

(2.) Create a separate authorization for statewide leadership activities for all the IV-B program purposes. State leadership for both library/media and guidance and counseling has declined since consolidation, yet if the federal program is to be effective such leadership is required to help the local schools and provide for accountability. We suggest an overall authorization of $20 million, with a basic grant (perhaps $100,000) for each state, and the remainder to be divided among the states according to the number of school children in each state. The state leadership funds would be divided 50 percent for guidance and counseling leadership and 50 percent for library/media leadership.

Funding for both (1) and (2) should be required. We feel strongly that a separate authorization would address the need for state leadership more effectively than increasing the 5 percent set aside for administration of Title IV-B. Doing the latter would decrease the amount of funds going to the local educational agencies—funds for which they have a critical need.

We have worked with the American Personnel and Guidance Association on this recommendation. Both the guidance and the library/media communities are willing to make some compromises to make the overall program better serve the needs of the school children. We feel the local salaries should be removed because IV-B is a materials/equipment program and experience to date shows the great bulk of the funds have been spent for these purposes. We would also suggest that the name of the ESEA Title IV-B program be changed from "Libraries and Learning Resources" to "Library and Counseling Resources."

The need to restore state leadership in both library/media and guidance is acute. In some states, because of the consolidation, there is no longer a professional at the state level with a background in the library/media field to administer the program or to help local schools update their skills and knowledge of modern library/media trends. In addition, evaluation and accountability suffer. Strong state leadership is essential to improve awareness and understanding of the program at the local level, avoid waste, and increase the effectiveness of federal dollars.

In the State of Washington a recent reorganization will result in the transfer to other jobs of two of the four state level professional library/media positions. This was done at least partially because of the ESEA IV-B consolidation. In the Michigan Department of Education, the guidance staff, formerly funded from their grant allocation, has been reduced by attrition from three professionals to one and one secretary. Statewide leadership activities have, of necessity, been curtailed. There are not sufficient administrative funds for more staff.

Also, in the consolidation less administrative funds are available for the library/media part of the program. Title II provided approximately 2/3 of the funds combined in the consolidation. One-third of present administrative funds seem all that is available for library/media staff and leadership activities. Staff activities, including travel funds, suffer. Title IV-B monitoring is cut. Earmarked statewide leadership funds would strengthen both media and guidance and counseling and provide the staff depth needed at the state level to give effective leadership.

In addition to these two changes, we would like to mention several other points which we think would strengthen ESEA IV-B. We believe the legislative history should make clear that IV-B funds are meant to supplement, not supplant, the local educational agencies' expenditures for library resources and equipment. The maintenance of effort provision would be more effective if it were based on individual LEAs, as it is in Title I, rather than on statewide aggregates.

Library/media representation on the membership of the State Advisory Councils should be mandated. This has not been a problem in Michigan, but in some states there is no library/media representation, or such representation has been gained only with great difficulty.

Another problem centers on private schools located in non-participating LEAs. Private schools cannot participate in the IV-B program unless the public school system in which they are located takes part. Because of the wording of the statute, the state cannot step in and provide service to these private schools. Only a small number of LEAs do not participate, but this has caused a problem in certain states—Massachusetts and Rhode Island, for example.

Criteria for eligibility of IV-B purchases should be tightened up so that schools will not spend Title IV-B funds for items unrelated to basic learning or academic subjects. We have been informed that in some areas these funds have been used for such items as copying machines, ice machines, typewriters, background music, and trampolines. It is not that such items may not be useful or needed, but needs for basic learning resources should be met first, especially in localities which do not meet state standards for library/media resources.

The Title IV setaside for administration should be changed to ensure that 5 percent of Part B funds are available for Part B administrative purposes, and 5 percent of Part C funds are available for Part C administrative purposes. Under existing law, administrative funds are not tied to the two program parts and as a result, in many states, the Part B program has received an insufficient and inequitable share of the consolidated administrative funds.

The single application requirement in the consolidation causes confusion, frustration and needless expense. By necessity Part C must have a more lengthy, detailed application and requires more time to fill out. Part B needs only a few pages for the application and takes correspondingly less time to complete. One submission date then means that most people wait until that date. This slows the Part B approval and authorization process, resulting in schools encumbering Part B funds in late spring instead of fall and winter. In Michigan aproximately 1100 public school districts and private schools apply for part B funds; 100-125 apply for Part C funds.

One public school district lost nearly $9000 in part B funds in 1976-77 because, in spite of repeated calls and reminders, the district did not apply. Citizen inquiry now has led to further conversations with the superintendent's office. The gentleman I talked with indicated the application was too long. I admit that he had not attended any of our meetings or read any materials but, even so, if just part B had appeared on his desk, the 7 pages might not have scared him away. Add 13 more pages for part C and it makes a sizable document. The same is true for the Handbook, pages 1 through 29, are for part B and pages 30 through 67 for part C.

The drain on our administrative funds would be less if we did not have to print 1400 copies of everything applying to part C as well as part B when only a few districts want part C materials. And mailing costs would be less. The two parts of the program really have no relationship to each other; why do we need a single application with one submission date?

One part of the consolidation is very important and appreciated—that is the "trigger" provision that requires a specified level of funding before the consolidated Title IV can take effect each year. This is an essential provision that should be retained. It helps to maintain a workable funding level for the Title IV programs, and it preserves the categorical option should funds for the consolidation decline. Forward funding is also a blessing. It is simply great to have a definite amount of money available in advance, so that a fiscal year can start with the knowledge that there really will be a program.

There may be other ways to meet student needs. However, none of us are exactly sure just what changes are needed in delivery services. Perhaps the 1979 White House Conference on Library and Information Services, with the state level preconferences, can identify better ways to meet needs by realistically sharing resources and making more effective use of funds.

Until then Title IV-B is workable. Even with no changes in the law, we can allocate funds that will meet, at least partially, the educational needs of students. We, in Michigan, would hate to see too many major changes right now since it is a tremendous task to reorient so many people to a new program. At least once a week, even now, we have someone call to say, "What happened to the Title II money?" So we say, tighten some language which is confusing, eliminate some bottlenecks to good management, and leave the rest alone. The benefits do get to the students and that's what it is all about.

A recent survey of the American Association of School Librarians elicited a variety of comments from school library/media personnel across the country about the ESEA Title IV-B program and the needs of their libraries and media centers. A sampling of their comments is attached to my statement and I would ask that it be included in the record.

[The document referred to follows:]

ESEA IV-B--REACTIONS FROM SCHOOL LIBRARY/MEDIA PERSONNEL IN THE STATES HIGHLIGHT NEED FOR EXTENSION OF FEDERAL AID FOR LIBRARY RESOURCES

A preliminary survey of the American Association of School Librarians with responses in from over two-thirds of the States reveals the following reactions from school library/media personnel:

Alabama

"Testing, which is what our funds are being used for this year, has been proven to be of little or no value."

"It seems that we get less money under Title IV-B than under Title II."

"Incentives are needed for school officials at the local level to spend more money in the library."

"I would much prefer federal funds go to those schools in the state and area without any library facility."

"Everyone from parents to the news media keep talking about all the money spent in education. We don't even have the necessities. I wish someone would do a thorough report on the money, equipment, etc. in education."

California

"The new ESEA Title IV-B Project funds are allocated in such a way that library/media programs must compete with guidance departments for funding."

"ESEA should be amended to separate library funds from those for guidance programs."

"The Federal funds represent about one-third of our total library book budget. They are important to the library development."

"The increasing cost of materials combined with a decreasing school budget makes it difficult to maintain an up-to-date collection. Because textbook needs have a higher budget priority than supplemental books and audiovisual materials, the latter categories are receiving less and less money. Without Federal aid we would have no library funds for materials."

Hawaii

"Not enough personnel for clerical duties, such as getting materials to the children and supervising the audiovisual equipment use. Audiovisual software is not easily funded because of its high cost."

Illinois

"With the high loss of materials and our low local budget and the high cost of books and periodicals, without Federal funds, we will really fall behind in maintaining an adequate up-to-date collection."

"Federal recognition and support of mandated programs using professional and paraprofessional staffs as a requirement for continuing financial support is needed."

"School libraries are losing out in this State because guidance and counseling is mandated whereas school libraries are not."

Iowa

"Our greatest unmet need is to have a collection that has enough material to meet the needs of all the children. In the past we have been able to develop new programs and collections with the use of Federal funds. Without these Federal funds we must forget new programs and ignore up-to-date print and non-print materials and equipment. We can just buy the bare necessities with our regular budget."

Kentucky

"I have been told that I will not receive any Title IV-B money."

"What happened to Title IV-B? Individual schools did not benefit in this area, at all. Previous (ESEA Title II) method of apportioning funds is much to be preferred."

"None of the schools in my district received money from the consolidated Title IV-B program."

"The future looks bleak if we cannot regain federal funds such as we had with Title II and specified for the library program."

Michigan

"We need this year's allocation which I will use to purchase needed equipment. I feel the program is good, and one which has helped us to plan goals and objectives and to broaden the program to include instruction for all students. Title IV-B could be a little more flexible, and ask for meaningful evaluation with figures."

"Daily professional assistance is needed in our school media centers. Our Title IV-B funds will go to the middle school and high school, leaving 4 elementary schools high and dry. Last year, the only money I received went directly to the Regional Educational Media Center for a per capita yearly fee for 16mm-film use."

Minnesota

"Funding should provide for staffing our school library/media centers. Districts should be reimbursed a percentage of staff costs (10%?) for providing adequate professional staff."

New Jersey

"We need audiovisual materials for grades 9 through 12 and high interest/low vocabulary books for grades 10, 11, and 12. Under Title II all the monies came to the library. Now, we only get 1/3 of our previous funds. Title IV-B does not insure that libraries will get any of the funds, since the bill reads, 'may be used for the acquisition of items in the following categories:...'"

"Funding for school libraries should be categorical. Our particular district is library minded; though we have bought equipment for the guidance department. However, in some districts the school libraries have not received any benefit from Title IV-B."

New York

"The ESEA IV-B unification of library and guidance funding is terrible for my district. Amounts allotted to a city district are large enough to cover salaries--and guidance salaries are allowed under these guidelines. As a result, the libraries get little, if any, portion of ESEA IV-B."

"I think the consolidation of library, guidance, etc. into Title IV-B is poor for libraries--we are losing out."

North Carolina

"We object to library resources funds being lumped with that for other programs under Title IV-B. Last spring all the funds went to other programs - none to libraries."

"Combining ESEA and NDEA has created many problems and friction among groups that should be working closely together. Each group wants their share - yet no one is really coordinating to see if it is their share. For instance, in guidance, how much is the state giving, etc?"

"1976-77 funding is almost half of the 1973-74 funding. This is a serious budget cut for this library/media center. It is even more serious when consideration is given to the rapid increase in prices of materials and equipment in the past 4 years. I estimate that the actual amount of materials and equipment purchased with Federal funds is one-third of the amount purchased in 1973-74 due to price increases and lower funding."

Ohio

"Our greatest unmet need is personnel--both professional and paraprofessional. The District has insufficient resources to employ personnel needed to staff the media program. Overall the Federal money has been declining for the school libraries and it indicates a bleak future for us."

Pennsylvania

"Librarians and teachers do not have input in decisions about how to spend Title IV-B funds. The advantage of Title II was that we could buy the particular books and non-print media needed in each of our 5 elementary schools. IV-B funds for materials just arrive, and we're told to use them. Some administrator somewhere makes the decision about what to purchase. It does not always meet our most urgent needs."

"The district's Federal funds for 1976-1977 were spent for home economics; nothing was spent for the media program."

American Library Association
Washington Office
July 1977

Mrs. **Hanna**. Mr. Chairman and members of the subcommittee, I thank you for the opportunity to make these comments.

Chairman **Perkins**. Thank you for a very good statement.

Our next witness is Mrs. Kearney.

STATEMENT OF MRS. CAROL A. KEARNEY

Mrs. **Kearney**. Good morning. My name is Carol Kearney. I am the Director of School Libraries for the Buffalo Public School System in Buffalo, New York.

I supervise the development and maintenance of the district's library/media center program for approximately 55,000 students in grades pre-kindergarten through twelve in some 85 schools within our school district. I also have administered ESEA Title II programs in two different school districts and am presently administering the ESEA Title IV-B program witin our district. I am a member of the Legislation Committee of the New York Library Association.

As a director of a school library/media program in a big city, I am confronted with many problems. The Buffalo Board of Education receives its operating and maintenance budget from the City of Buffalo. Inflation has caused increased costs for all departments within the city government. This, plus the city's decreasing tax base, means that support for education does not keep pace with rising costs; the funds allocated cannot maintain a quality educational program.

Cities in general find themselves caught in what is called fiscal overburden. Translated into school terms in New York State, it means that cities are losing millions of dollars because the state equalizing formula does not consider that the city as a whole may not be in the same position as another district to commit its revenues to education.

In addition, state aid is computed on attendance rather than enrollment. There is higher absenteeism in cities than in other districts. Teachers and facilities, however, must be provided for those who may attend only two days per week.

Finally, there is a high concentration of disadvantaged and handicapped children requiring expensive programs. These problems, together with state or Federal mandates and contractual agreements have created difficult problems for the school district in general and the library program specifically.

Just two weeks ago thirty library/media specialist positions, together with many other vital programs, were cut from this coming year's budget. This means that approximately 50 percent of our library staff—all the elementary school positions—will be eliminated. In the midst of a possible $8 million deficit, the Buffalo Public School System is embarking on the most creative and exciting desegregation plan in the U.S. today. The community and staff are committed to our magnet school concept and are all working for its success.

Today I am speaking in support of the re-authorization of ESEA Title IV-B with some modifications. In recent testimony before the Governor's Commission to Study Libraries in New York State, Eugene T. Reville, Superintendent of schools for Buffalo, stated the fact that the reading scores of the children in our scholl district have demonstrated growth over the past three years.

He attributed this growth to an "excellent reading program, including reading teachers, the availability of resources found in library media centers which students use to practice their reading skills, and an outstanding library program." With adequate resources to meet the needs of individual students, the beginning reader becomes an experienced reader in a shorter span of time because he is able to find materials he is interested in reading to pracice his new-found skills. In essence, he begins his love affair with reading.

With adequate resources to meet the needs of individual students, the elementary student becomes a more independent learner through research done to complete projects. He is able to use encyclopedias and atlases to research a topic such as the Lewis and Clark Expedition and then map the route used on a large fifteen foot by fifteen foot vinyl map. This experience becomes a living part of this student. During this time the student's love for reading deepens and grows. With adequate resources to meet the needs of individual students, the junior and senior high student becomes proficient in research skills. With his prior experience to draw upon, the student can more easily bring critical thinking to bear on a research problem. He is able to use in-depth research materials to research a topic such as wind and solar energy and construct a windmill to generate electrical power. His love for reading matures and paves the way for reading to be a lifelong source of enjoyment. Reading teachers and classroom teachers can teach the skills necessary to read. However, without the necessary resources for the student to practice those skills, resources which meet his individual interests and ability, the student will never learn to read.

In a recent study conducted by the EPIE Institute, some 8619 principals and 12,389 teachers—mathematics, reading, science and social studies—were surveyed K-12 on the "Nature and Quality of the Instructional Materials Most Used by Teachers and Learners." The results of this survey indicated that "Instructional materials, print and nonprint, are used during 90 to 95 percent of all K-12 classroom instructional times." Schools spend about 1 percent of their budgets on these materials that are used during 90 to 95 percent of instruction (Epiegram, New York: Epie Institute, Vol. 5, No. 5, December 1, 1976, pp. 1-2.) The quality and availability of resources are critical to the learning process. The local educational agency's effort to supply these resources must be supplemented so that these resources are available.

In 1957 when Russia surpassed the United States in the space race by successfully launching Sputnik, Congress asked educators how this situation could be rectified. It was pointed out at the time that resources needed to support specific subject areas were essential so that students could begin the research and/or experimental process on their own and then draw conclusions from this research and/or experiments. NDEA III was born the next year to supply equipment and resources for specific curricular areas. The other point made was that teaching styles had to be modified from the one-textbook one-teacher authority to allow students to research many sources and draw conclusions.

In 1965 ESEA Title II came into existence. This was the single most important force in the development of adequate and carefully selected resource collections. The availability of resources in those schools where they were organized in a central location with a library/media specialist to direct the media program provided the impetus for teachers to begin to individualize instruction, to provide opportunities for students to research several sources and then draw conclusions. Independent projects, peer tutoring, small group work, individual contracts and programmed instruction, teaching/learning methods, all could be utilized because of the availability of resources to support specific curricular areas.

The Buffalo Public Schools have received over $1 million in Title II funds which supplemented the local educational agency's effort. In addition, we are extremely proud of 20 exemplary library media center programs all of which were centers awarded competitive Title II Special Purpose Grants. Through the effort of the school district to provide adequate facilities, staff and an outstanding program, together with ESEA Title II funds, model library media center programs were developed and are continuing to realize the educational goals and objectives developed at that time. The parents, teachers, administrators, library media specialists and children continue to be very proud of these centers. They are truly the center of the instructional program.

I have discussed the importance of resources to the learning process. I would like to share with you how these resources are being used in schools where there is a library/media center program conducted by a library/media specialist. Our parents, teachers, library media specialists and students in many schools have participated in reading contests, one aspect of a library/media center program. As a child is able to prove he has read a book, he is rewarded in some tangible way for his effort. For example, one school held a "Bertha the Bookworm" contest. For each book read, a child placed a segment of the worm on the corridor wall, including the author and title of his book together with his name. Bertha circled the building 3 times before the contest was over. An assembly program where all classes participated in a pantomime of their favorite characters culminated the activity. Without interesting resources which challenged students at their own reading level, Bertha would have been very short.

Another example is "Paul Revere's Ride." Students created Paul and his horse in paper mache and prepared simulated villages of Concord and Lexington with the route between mapped out. This appeared in the corridor opposite the library/media center. For every 65 books read by the students in the school, Paul was moved one mile. The goal was to move Paul from Lexington to Concord and each time a child read a book he was helping Paul to achieve his goal. You can imagine the excitement and interest in reading which permeated this building. When Paul finally reached his destination, the jubilation within the school was heard for blocks.

Finally, you have all heard about the Great Blizzard of '77 in Buffalo, New York. Well, one of our library/media specialists caused that storm through an innocent reading contest. The week before the storm, the library/media specialist began advertising the contest by placing signs in strategic locations throughout the school announcing: "The Great Blizzard of '77 is Coming." The plan was that for every book a child read, he would put the author, title and his or her name on a snowflake and then place the snowflake on the corridor wall. Soon there would have been so many snowflakes they would have created the Great Blizzard of '77. However, after the real "Blizzard of '77," the teachers strongly recommended that the contest title be changed to "The Flowers Are Coming."

Reading contests are only one aspect of a library/media center program. Research projects are an extremely important part of our program of utilization of resources. One example of a research project involved students in an ESEA Title I program provided small group assistance to a group of students whose charge was to introduce the topic of the Middle Ages to their class. The students came to the library/media center and with the help of the library/media specialist, researched vocabulary and concepts including the feudal system. After using research study skills to locate the needed information, and discussing the important points they wanted to cover, this group of five students created a hand-drawn filmstrip. It was excellent! These students who were performing below-grade level in reading, were motivated through resources to produce an excellent teaching tool. The teacher told the library media specialist later that she had never seen these students so excited about learning. This group of students were successful and they knew they were successful. The experience provided the students with the motivation to work harder, and it could not have occurred without the needed resources.

And finally, many library/media specialists have been developing learning centers in conjunction with classroom activities. The topic of the learning center is generally timely and it is featured in the library media center for no more than one month. Resources on a particular topic are gathered together with specific tasks to be completed for each item. It is interestingly displayed to motivate student interest. There is something for everyone. Activities utilzing these resources are many and varied to meet the needs of the individual child. The centers have been extremely successful in helping the classroom teacher to individualize instruction. Resources again are essential to this method of learning. The point I am making is that it is vital that there be a creative program to utilize the resources purchased, but essential that there be adequate resources to meet individual reading levels and interests so that each student may experience just once a Paul Revere's Ride or a Learning Center. The community, the teachers and the students are excited about this type of utilization of our educational funds.

The need for resources to motivate students to read and to support curricular needs is no less urgent today than ten or twenty years ago. With the daily technological and scientific advances, it is essential that resources reflecting these advances are readily available and easily retrieved. With fewer dollars available at the district level to be used for resources and with continued inflation robbing that already limited buying power, we have reached a critical stage. However, the consolidation of various titles into ESEA Title IV-B has not alleviated this problem, but complicated it.

The inclusion of salaries into the resources title has resulted in these funds being expended on salaries. Creative guidance programs are essential to the educational program and should be supported financially. However, they should be funded separately from the resources. The consolidation has created a competition between two high education priorities—guidance positions and resources. For the past two years our ESEA Title IV-B funds have been used almost exclusively for a guidance program. It provides an excellent career guidance program to several of our schools and is very worthy of Federal support. However, resources to support the educational process are just as worthy of Federal support. These two important priorities should both be given assistance.

Therefore, I would like to make the following recommendations:

First, remove from the eligible purposes the expenditure of IV-B funds for local guidance salaries. Local salaries for only one of the program purposes constitute an incongruous element in ESEA IV-B and should be removed. The need for local salaries for library/media specialists and counselors is great, but should be addressed outside the context of ESEA Title IV-B which is a small program completely inadequate to provide the kind of emergency assistance now needed to help local school systems with the grave staffing problems many are facing today.

Second,create a separate authorization for ESEA Title IV-B state leadership, with half of such funds authorized for leadership in guidance, counseling and testing, and the other half for library/media leadership. The need for statewide leadership under ESEA Title IV-B is acute. Indeed, there is mounting evidence that the Title IV-B consolidation is having a negative effect on school library service because of the deterioration of state level leadership. The same is true in the fields of guidance, counseling and testing. Accordingly, we have worked with the American Personnel and Guidance Association in developing these two proposed changes—removal of local guidance salaries and addition of a separate authorization for state leadership.

Finally, I would like to emphasize the urgent need for funds to help pay salaries of local librarians. In Buffalo there will be no librarians in any of our elementary schools next year. In Philadelphia, library/media specialist positions have just been cut from all 116 elementary and secondary schools. In many small towns and rural areas across the country, school libraries have never been properly staffed. The need for local personnel is critical and it is a need which is not being addressed by this legislation. I hope you will consider this grave problem.

One of the goals of any educational program is to help students grow into mature, well-adjusted adults. The library/media center program is one of the few programs that reaches every student in every school. The programs and resources support the individual and his interests and abilities. These are the ingredients which help schools to attain this goal. I urge you to re-authorize ESEA Title IV-B with the suggested modifications.

Thank you, Mr. Chairman and members of the subcommittee, for this opportunity to speak in behalf of this legislation. I would also like to ask permission to insert in the record summaries of the American Library Association's survey of library needs of the Southeast and assessment of school library media trends.

Chairman **Perkins**. Thank you for a most interesting statement, and without objection, the material will be made part of the record.

[The information referred to follows:]

SURVEY FINDINGS EVALUATE PRESENT AND FUTURE LIBRARY NEEDS OF THE SOUTHEAST

-Libraries and Library Services in the Southeast, a survey prepared for the Southeastern Library Association by Dr. Mary E. Anders (University of Alabama Press, 1976), examined the development of libraries in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. Data were gathered between 1972 and 1974, and for school library/media centers, the survey shows:

1. The total enrollment in public elementary and secondary schools in the nine-state area during the survey was approximately 8,500,000.
2. Over 84.3 percent (4,014) of the media centers have the services of at least one full-time librarian or media specialist.
3. Over 90 percent of the public schools provide library/media services for their students and teachers.
4. Thanks in large part to federal aid, media centers have been able to develop book collections that, from the standpoint of size, should provide the basic support essential for classroom instruction. Additions to these collections, however, do not appear to be sufficient to include new materials that should be available to the students and to provide for replacement of worn out copies of standard works.
5. The most pressing need determined by the study is the need for more personnel. If this need is to be met, the financial support provided schools will have to be increased.
6. Collections of the media centers included 33,212,224 volumes of books and bound periodicals, 39,599 reels of microfilm, and 9,991 items of other microforms. The number of volumes of books and bound periodicals per student for all schools was 10.64.
7. Annual additions to the collections of books and bound periodicals did not average as much as one volume per student.
8. Of the 3,848 library/media centers that compared their annual additions to those of the previous year, 42 percent reported that the more recent year's additions were higher; 45 percent indicated that they were lower; and 13 percent said they were the same.
9. The periodical subscriptions received by the media centers totaled 173,256 or the equivalent of one periodical for every 18 students. The centers received 12,808 newspapers or one newspaper for every 237 students.
10. The media centers in 66 percent of the schools were open longer than the school day.
11. Holdings of nonprint materials are not so extensive as holdings of books, and some schools have yet to begin collections of such materials.
12. On-site contacts of state level school library consultants with media center personnel were infrequent.

ALA Washington Office
July 1977

WASHINGTON OFFICE
AMERICAN LIBRARY ASSOCIATION
110 MARYLAND AVE. N.E.
WASHINGTON, D.C. 20002

NATIONAL INVENTORY ASSESSES SCHOOL LIBRARY/MEDIA CENTER TRENDS

According to The National Inventory of Library Needs - 1975 (published by the National Commission on Libraries and Information Science, March 1977), which analyzes evidence concerning staffing, collections, acquisitions, space, hours of service, and operating expenditures available to school media centers, these trends have developed over the last decade:

1. Library/media center service in 1974 was provided to 50% more school children--14.6 million more--than was the case in 1964.
2. School media centers held 522 million volumes of print material in 1974. This is half the number indicated in the 1977 Inventory as needed for the school population served, but an increase of 172 percent over the 1964 figure of 192 million volumes.
3. Over this same interval, enrollment in public schools increased by 26 percent.
4. The school library business now has attained billion dollar status. The increase in about ten years to more than three times the expenditure levels of the mid-1960s is partly explained by inflation. Juvenile book prices alone increased 64 percent from the 1964 average price of $3.06 to $5.01 in 1974.
5. Local, state, and federal governments together have increased the annual commitment of funds to school libraries by well over 100 percent over the decade.
6. The minimum "indicated need" in school library/media centers, is 2,072 million items--equally divided between books and audiovisual materials. The aggregate shortages are overwhelming: 526 million volume equivalents of print material and 942 million items of audiovisual material.
7. In 1964, 50,000 schools had centralized libraries (56 percent of all schools serving 75 percent of the nation's pupils). By 1974 the number of school/media centers was 74,625 (84 percent of all schools serving 97.5 percent of public school pupils).
8. Figures show that in school libraries there were 32,900 professional staff in 1964; and in the school media centers there were 62,700 professional staff in 1974.
9. Public school libraries acquired 40 million volumes of print materials and 11.2 million items of nonprint matter in 1974, but these were not enough to meet acquisition indicators of 69 million and 94 million, respectively.
10. By similar comparisons of actual professional and support staff reported by school media centers, "indicated needs" show that public school libraries need 100,000 additional professionals and 286,000 more support staff.
11. With respect to space in the school media centers, public school libraries reported a total of 175 million square feet, while space needed was estimated at 205 million square feet.
12. Based on the amount of materials actually purchased in 1974, it would require about $2.5 billion to bring collections of books and other printed materials up to the level of need--which is double their present nationwide holdings.

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July 1977

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Our next witness is Dr. Judy Lombana.

STATEMENT OF DR. JUDY LOMBANA

[The prepared statement of Dr. Lombana follows:]

AMERICAN PERSONNEL AND GUIDANCE ASSOCIATION

Statement on Behalf of the
American Personnel and Guidance Association

by

Dr. Judy Lombana
Associate Professor of Education and Guidance,
University of North Florida
and
Chairperson, APGA Government Relations Committee

on

Elementary and Secondary Education Act,
Title IV-B - Consolidation

before the

U. S. House of Representatives
Subcommittee on Elementary, Secondary
and Vocational Education
Carl D. Perkins, Chairman

Wednesday, July 27, 1977
2261 Rayburn House Office Building
9:30 a.m.

Good morning, my name is Judy Lombana. I am an Associate Professor of Education and Guidance at the University of North Florida and formerly a Guidance Consultant for the Florida Department of Education. Today I am representing the American Personnel and Guidance Association as Chairperson of its Government Relations Committee. With me today are Ms. Nancy Pinson, Guidance Consultant for the Maryland Department of Public Instruction, and Dr. Charles Lewis, Executive Vice President of APGA.

The American Personnel and Guidance Association is a 40,000-member national education organization comprised of 12 national divisions or subdisciplines in the fields of guidance, counseling and testing, and 52 state branches nationally (including the District of Columbia and European branches). Our members work in educational settings from kindergarten through university, government and community agencies, business and industry and state employment and rehabilitation agencies. I am pleased to be here this morning to present our views on Title IV-B of the Elementary and Secondary Education Act.

Concerning the guidance and counseling dimension of this ESEA IV-B consolidated program, there is a long and checkered history starting with the National Defense Education Act, Title V-A and V-B, and its incorporation into ESEA III, Supplementary Services (a two-program consolidation) and finally its incorporation into where it is now ESEA IV-B. The flow of guidance services within ESEA brought about by these two consolidation steps, which once was well identified, is less clear and distinct and in some states disproportionately low. One thing is clear, however. With the consolidation, the aggregate sum of appropriations for audio-visual, library and guidance, counseling and testing services to the states through ESEA has decreased dramatically over the funding each received prior to the consolidation (1974). So our philosophical view of consolidated versus categorical aid programs has not changed--and history with consolidation is a downward spiral of funding. This Association prefers categorical aid.

But, we are realists too. This legislative and administrative climate over the past several Administrations has been toward more and more consolidation. Given these circumstances, this Association feels that the fund triggering mechanism of ESEA IV-B is a necessity. Otherwise, LEAs and SEAs would not be able to plan how fund allocation should be used and a great deal of confusion would result. As it currently exists, the "trigger" is a safeguard for program continuity, and possible underfunding.

Concerning the rest of the program, APGA took a straw poll of some of the big city directors of guidance and state level directors of guidance on other dimensions of this program. These individuals have stressed the following points.

They are concerned with the diminution of statewide leadership, consultative and supervisory services, formerly rendered by state departments of education but now not permitted because of the stringent 95 per cent "pass through" requirements of P.L. 93-380, Title IV-B, and the reinforcement of same in P.L. 94-482, Part III-D, Section 342(b)(1) and (2). We have a suggestion to remedy this later on in this testimony. Without these vital statewide leadership and coordination services, program duplication and waste will occur in many states and ESEA IV-B funds may be inappropriately channelled. In-service counselor improvement programs, especially in small school districts, may also disappear.

Our state and big city directors also emphasize the importance of forward funding of this program as it permits more careful planning by SEAs and LEAs.

In regard to the amount of paper work consumed with Title IV-B, our leaders are mixed in their feelings about this. Some feel the single application process for IV-B funds has helped but some suggested that rather than submittal of an annual program plan to USOE, that perhaps amendments could be submitted annually to a standard state plan.

Another point, state and city leaders make, is that the guidance portion of the consolidation is essentially a "people" program mixed in with "things"--books and equipment. Therefore, the most helpful aids to SEAs and LEAs are those services provided by guidance and counseling specialists.

Even though hiring personnel is permissible under the legislation, LEAs hesitate to do so because of the vicissitudes of how monies might be allocated, under this consolidation in any given year. Also the "supplanting" provision complicates the process. The problem is that a local school district could maintain effort but because the allocation of funds could be decreased from guidance one year and increased for media, they could not maintain a counselor position because they would be supplanting. We would therefore like to see it spelled out specifically that as long as you maintain the aggregate amount of effort, at the LEA level, that you can supplant.

Finally, the American Personnel and Guidance Association would like to suggest the re-working of Title IV-B with the following modifications and design. We believe media and library organizations may also be, or currently are, supportive of this plan. These specific modifications are in addition to comments already made in this section.

1. Change the name of ESEA Title IV-B from "Libraries and Learning Resources" to LIBRARY AND COUNSELING RESOURCES.
2. Divide Part B into two separate authorizations:
   (1) for materials, equipment and resources for all of the IV-B program purposes (guidance, counseling, testing, equipment, library/media)
   (2) for statewide leadership activities for all the IV-B program purposes
3. Retain the existing authorization ($395 million for FY 1976) and the 95 percent "pass through" requirement for the first part.
4. For the second part, create a new authorization (not a percentage set-aside), with a basic grant (maybe $100,000) for each state, and the remainder to be divided among the states according to the number of school children in each state. Overall authorizations: $20 million.
5. LEAS would have complete discretion as to how funds in the first part are to be spent within the authorized program purposes.
6. The state leadership funds would be divided: 50 percent for library/media leadership and 50 percent for guidance and counseling.
7. Add a provision requiring funding of both Part B authorizations.

This completes my testimony for the Association. I am ready to answer any questions you may have and/or to supply additional data. We urgently implore the Carter Administration to incorporate both of our suggested modifications and re-design of ESEA IV-B.

Thank you again for giving me this opportunity to testify this morning.

Dr. **LOMBANA**. I am Dr. Judy Lombana representing the American Personnel and Guidance Association here.

I would like you to know I support everything that has been said by my colleagues in the Library Association, and I think really all I have to do is reiterate some of the points they have made.

As Ms. Bedford pointed out, and as you perceived, Mr. Perkins, none of us have benefited greatly from consolidation and we in the American Personnel and Guidance Association have found that through the years starting over with the old NDEA Title V-A and B, we were in good shape but in every consolidation after that we have lost and lost, so we urge you not to take us any further down that path.

We also have had problems with state leadership and guidance, just like the library people have, with this Title IV-B combination, a 5 percent setaside for administration, 95 percent pass-through. Many of our state level guidance supervisors have lost jobs and that in turn means that they have not been able to provide in-service training to go out to the field and work with people at the school levels, so many services that would be directly given to schools have been lost as a result of this.

So we want to do all we can to get the state level leadership back with the states so they can benefit everybody within any given state.

We also have had prolems as they mentioned with the people/things kind of combination. It just gets messy when you are trying to have one lump sum and decide whether you want to hire people or buy things with the money.

They pointed out in some school districts they have used all the money for hiring guidance personnel. I don't doubt that this is true in some school districts. I would venture to say that in most school districts this has not been true because of the fact that the money comes every year; it is competitive; they don't know how much they are going to get the next year so very little money has been spent on buying personnel at the local level. They are just afraid to get into that as you can understand. So we would support the idea of eliminating the salary thing from the resources. We also would support some of the comments Mrs. Hanna made about sort of reorganizing Title IV-B. We would like to change the title first of all to reflect the guidance part of it. If we could do that, it could be changed to library and counseling resources.

We would like to divide Part B into two parts, one which would be used for materials and equipment which would be again a 95 percent pass-through used at the district level, and it could be used for any one of the programs. The rest of it would be used at the state level and this would be allocated separately—not a percentage, but a specific allocation, 50 percent for guidance and counseling; 50 percent for libraries and audiovisual, so that the state level leadership could be accomplished.

I think those changes would help all of us a great deal and we certainly hope you will support them.

Chairman PERKINS. Thank you very much for your very concise and interesting statement.

Our next witness is Mr. Lawrence Jackel.

STATEMENT OF LAWRENCE JACKEL

Mr. JACKEL. I am Lawrence Jackel and I appear as Chairman of the School Division of the Association of American Publishers. On my left is Roy Millenson from our Washington staff.

The Association of American Publishers is the general association of book publishers in the United States. It comprises the General Publishing Division, Direct Marketing/Book Club Division, Technical, Scientific and Medical Division, International Division, College Division, Mass Paperback Division, and School Division. Our 327 member publishing houses produce the vast majority of general trade, educational, reference, professional and religious books published in this country. AAP members publish 80 percent of the instructional materials used in the nation's classrooms.

TITLE IV-B, ESEA

BACKGROUND

Title IV-B, ESEA—School Libraries and Instructional Resources—is, as you know, a consolidation of ESEA II—School Library Resources, NDEA III—Instructionsl Equipment and Minor Remodeling—and the guidance portion of ESEA III. The consolidation is actually greater than the sum of its parts because benefits for non-public schools not included in the component programs were encompassed in the consolidation. Title IV-B is funded for the current fiscal year at $147.33 million and advance funded for FY 1978 at $154.33 million.

INSTRUCTIONAL MATERIALS, TEXAS, AND SCHOOL LIBRARIES

Due to certain factors, ESEA IV-B exerts a significant leverage for quality in the nation's schoolrooms. Instructional materials, according to a national survey of 24,000 teachers, structure 95 percent of classroom time and 90 percent of homework time. But only 1.2 percent of total public and non-public elementary and secondary school expenditures are for instructional materials—expenditures for textbooks are just 0.7 percent of the total. Thus this is an area where each federal dollar can make a difference.

I beg your indulgence for one more brace of statistics. The same survey indicated that money for almost 11 percent of all instructional materials purchased came from the pockets of teachers and principals, students and their parents, and PTAs and similar groups.

Up-to-date library resources are essential to producing literate and informed citizens. As noted by the House Education and Labor

Committee in originally enacting ESEA, "quality in school library programs is directly related to academic achievement, to remaining in high school, and to continuing in college."

The knowledge explosion and new technology has increasingly resulted in tomorrow's adults being trained with yesterday's tools because classrooms and libraries re obliged to function with out-of-date books. Teachers and students deserve the best tools available.

MAINTENANCE OF EFFORT

A cornerstone of the Elementary and Secondary Education Act and other categorical aid-to-education programs is the premise that Federal aid must supplement—not supplant—state and local expenditures. ESEA and other categorical funds are designed not to relieve states and localities from their responsibilities for education but rather to enhance their ability to provide wider and better services through an infusion of Federal funds.

Federal dollars are meant to represent an additional effort for the target children and not as a device to permit local and state authorities to direct funds from education to what they see as other pressing needs. This is our concern—that ESEA serve to provide a better education for the nation's children and not be employed as a substitute for local and state funds by financially-pressed school authorities.

In this connection we urge both tightly-constructed, leak-proof provisions in the law and stringent enforcement by executive agencies of these provisions. This is no idle concern. We include as part of our testimony a November 29, 1976 Education U.S.A. article which describes a study indicating $241 plus-million in outstanding Title I audits involving not allegations of fraud but most often "commingling or supplanting" Federal funds for state and local monies. The Office of Education has recovered less than one percent of these funds according to the article.

We urge tightly constructed, leak-proof provisions in the law as well as strong enforcement by executive agencies of maintenance of effort. Some specific suggestions include:

1. Local maintenance of effort base. For the most part, IV-B funds are expended at the local level, but the law provides for a maintenance of effort by the state. The burden of maintenance of effort should quite logically be upon the jurisdiction receiving the Federal funds; that is, the local education agency. The statute should be amended accordingly.

2. Study of maintenance of effort and audits by the GAO or the Congressional Budget Office which would be completed by the time the House begins marking up ESEA. Information on maintenance of effort, unfortunately, is limited.

3. Evaluation. If Federal aid to education is to move other than in the direction of revenue sharing, then there should be no doubts as to whether such funds are truly supplementing local and state efforts and not supplanting them. Maintenance of effort should be covered in evaluation reports for ESEA IV-B—where the provisions were temporarily relaxed—as well as in evaluation reports for other applicable programs.

4. Exceptions. Should special and unusual circumstances obtain that require exception to maintenance of effort, the circumstances and procedures should be specifically spelled out in statute. Programs and goals are ill-served by imprecise legislative language which leaves it up to regulation writers to search out a precise meaning. Among the conditions that any exception legislation should stipulate are the following:

(a) Exceptions to be allowed for only one year at a time, and that year's revised figure should not be used to set a lower base for the future; (b) any waiver should be for only a prescribed portion of the base and should be reflected in a proportional redcution of Federal funds—for example, if School District A is permitted to spend only 85 percent of its base year amount it should in turn receive only 85 percent of its Federal program funds; (c) all waivers should be published in the Federal Register; and (d) waivers should only be permitted as a result of precipitous changes and unforeseen circumstances—for example, a natural disaster—it should under no circumstances include such eventualities as a rejection of a bond issue or a diminution in funding by a state or local government.

These are recommendations which like our other recommendations require no increase in authorizations. If Federal aid to education is to take any steps forward other than in the direction of revenue sharing, then there can be no doubts remaining as to whether such funds rae truly supplementing local and state efforts nd not supplanting them. Federal funds for ESEA are now too large to the keystone issue of maintenance of effort to be subordinated.

Realigning the Consolidation

We recommend that ESEA Title IV be amended so that resource programs—the former ESEA II and NDEA III—alone would be consolidated in Part B. This would be accomplished by moving the personnel programs—the guidance, counseling and testing portions of the former ESEA II—out of Part B.

The Education Amendments of 1974, PL 93-380, consolidated into ESEA IV-B, Libraries and Learning Resources, the following three programs: (1) ESEA Title II, School Library Resources; (2) NDEA Title III, Equipment and Minor Remodeling; and (3) the guidance, counseling and testing portions of ESEA Title III. Of note is the fact that this consolidation is greater than the sum of its parts because it encommpasses non-public schools in parts not previously covered.

This IV-B consolidation, the product of a conference compromise, is a combination of apples and brussel sprouts. On the one hand, there is ESEA II and NDEA III which are "resource" programs—they supply instructional materials—while on the other hand the portion of ESEA III consolidated into IV-B-The rest of ESEA III was consolidated into IV-C—is for the most part a "personnel" program which supports guidance, counseling and testing activities.

MISCELLANEOUS

1. It should be clear that the law intends that IV-B funds be used for instructional purposes only. The statute should be carefully administered to reflect that intent. Thus, items unrelated to basic learning such as background music, bleacher seats for the football field and band uniforms should be excluded.

2. As evidenced by questions raised in the June 28 *Federal Register*, the administration is considering urging removal of the trigger mechanism whereby the Congress, in PL 93-380, provided that the Title IV consolidation would dissolve back into its component parts if funding fell below previous levels. This provision was a reflection of a concern in the Congress and widespread in the education community and the states that consolidation should not be a vehicle for a diminution in Federal aid to eduction efforts, but rather a strengthening of the elivery mechanism of such assistance to make it more effective. The trigger provision should be retained.

3. Title IV-B is administered by the Office of Library and Learning Resources, which office was established by Sec. 519 of PL 93-380 for the administration "of programs in the Office of Education related to assistance, and encouragement of libraries and information centers and education technology." In establishing the office, the committee report noted that "the committee is always reluctant to legislative organizational structure" but felt it was necessary to fulfill congressional intent "with respect to the importance of certain units." The office has well proven its worth and should be continued.

NATIONAL "RIGHT-TO-READ" READING IMPROVEMENT PROGRAM

BACKGROUND

Title VII, National Reading Improvement Program, of the Education Amendments of 1974, PL 93-380, established the National Reading Improvement Program as the statutory successor to Right to Read on which it improved. Right to Read, however, has continued as the budget designation. It is basically a modest demonstration program which by its very nature and the fact that it best serves as a catalyst to activities within much larger areas of Federal activity, such as Title I ESEA, cannot be expected to require massive funding. It as funded at $17 million for FY 1976 and $26 million for the current fiscal year.

Because of its potentials as a catalyst in a truly vital area, the National Reading Improvement Program should not be subsumed within the Title I ocean or the adult education sea, but rather should continue in its own special role. The average Title VII demonstration program lasts but three years. Thus the terms of the first reading improvement grants are now, in 1977, drawing to a close. We urge that the National Reading Improvement Program, as it concludes its third year, be given the opportunity to realize the potential contemplated by the Congress in its creation and be maintained as a separate entity.

Other specific suggestions—both legislative and administrative—to help reading improvement meet the challenge of its emerging maturity follow:

Bilingual. Concern for the education of those with limited English-speaking ability permeates Federal education legislation. We suggest that there be authority for grants to be given jointly by the bilingual and reading improvement programs. This could be especially important in the case of adults who not only seek to correct their own deficiencies, but who are also the parents of children with limited English-speaking ability.

Coordination Requirement in Grants. Reading improvement grants should require coordination with Title I and other elementary/secondary and adult programs to assure a multi-disciplinary approach, minimize duplication and, even more important, to assure that other education programs follow up on the reading improvement initiatives.

Evaluation. As a result of the emphasis in ESEA Title I on basic skills, nearly $1 billion of Title I funds are being expended this year on reading. The reading improvement/right to read office has a special expertise that can be utilized in evaluating these Title I programs, especially in the light of Section 151, program evaluation, of ESEA which was added to the statute by PL 93-380. Its unique competence in reading can assist the Commissioner in discharging his responsibilities under that section.

Adult education. Section 306(a)(6) of the Adult Education Act stipulates that state plans must provide for coordination of adult education programs with reading improvement programs carried on by state and local agencies. These state plans should be carefully reviewed to ascertain whether that coordination is, in fact, taking place. This is especially important with respect to reading academies and other state and local adult reading programs financed with national reading improvement program funds.

State directors. Each state has a Right to Read director who provides focus to literacy efforts within the state. By the questions raised by OE in the June 28 *Federal Register* entry, it would seem that there is doubt as to whether these state officials are realizing their full potential. A survey to determine the strengths of this aspect of the state operation would resolve such doubts and appropriate recommendations could then flow from such a study.

Federal coordination. The Federal Interagency Committee on Education—FICE—serves to coordinate policy, planning, information and program responsibilities of the community of Federal gencies and offices concerned with education. A subcommittee of FICE should be established to deal with the effort to achieve functional literacy. The Reading Improvement/Right to Read office would logically be a principal resource for such an effort.

Inexpensive Book Distribution Program.

The Inexpensive Book Distribution Program for Reading Motivation was added as Section 726 of Title VII by PL 94-194, December 31, 1975. It was funded at $4 million in fiscal year 1976 and $5 million for the current fiscal year.

This is a 50-50 matching program wherein, through contract with reading is fundamental, books are distributed to students in pre-elementary, elementary or secondary schools through gift, loan or sale at a nominal price. The law requires that books must be purchased from publishers and distributors at discount prices. Because of the matching and discount provisions, this is a program which can properly boast of "more bang to the federal buck."

We endorse continuation of the inexpensive book distribution program for reading motivation as a separate part of Title VII. Its effectiveness had been well demonstrated and it merits extension.

CONCLUSION

A philosopher once observed that he who does not increase knowledge decreases it. While education is not synonymous with knowledge, it does precede it. It is to the increase of knowledge that this testimony has been directed.

Chairman **PERKINS**. I want to compliment the entire panel for excellent testimony this morning.

Over a period of years I have been somewhat skeptical of consolidation. I know back in 1970 it was necessary that we get together and agree on some form of consolidation which we did at that time. Then in 1974, library books, and audio-visual equipment, Title II of the Elementary Secondary Education Act, Title III of the National Defense Education Act; Guidance and Counseling in Title III, were all consolidated into Title IV.

Mrs. Bedford, you mentioned taking authority to use these funds for salaries of guidance counsellors from this consolidation. Do you believe that over time school superintendents will try to use these funds for those salaries instead of for books and equipment, especially with declining enrollments and contracting budgets.

Ms. **BEDFORD**. I might say this, Congressman Perkins. In our school district there in Montgomery County, for the past two years we have had no use of Title IV-B at all. It has been used to hire school psychologists.

I want to come to the defense of my superintendent and say this: We have been in the midst of a merger in Montgomery County, merging city and county schools. It has taken us a little while to get our priorities built and set. This coming year the superintendent and I have already talked—Mr. Bobby Joe Whittaker is the County Superintendent there— we are changing priorities and will get use of IV-B. He is hopeful Title VI is going to be much larger funded this time and this will remove the necessity of guidance counseling and move it on up into Title VI which we are going to use for that. This probably will happen, I think, many places in the State of Kentucky.

I can't speak for other states so well, but I think in our state it is going to do something to result in a fairer distribution of funds for us from here on out.

We are recommending IV-B should be for resources rather than for salaries. I believe it would be better.

Chairman **PERKINS**. Exactly what would you expect the increased funds for state leadership that you are requesting to accomplish?

Ms. **BEDFORD**. I think there needs to be in the bill authorization to use these funds to hire media-trained people, guidance-trained people to administer this program from the state level. I am concerned about the bulk of the districts in our state who perhaps do not have competent people. I thnk if we have state leadership to do this it can be done much more effectively.

I think we need media-trained, guidance-trained, library-trained people at the top, not only to help administer the program, but also to be very careful about how expenditures are made to be sure we are getting what you people up here in Washington want us to have.

Chairman **Perkins**. Mr. Jackel, could you tell us how the new provisions of the 1976 Education Amendments permitting waivers of maintenance-of-effort provisions have been implemented by the Office of Education? In other words, how many states and local school districts have applied for those waivers?

Mr. **Jackel**. I would like to ask Mr. Millenson to respond to that question, if I may.

Mr. **Millenson**. As I understand from the people at OE, with respect to the exemption of Title IV-B, they haven't granted any yet. They have had one application on Title I and two, on IV-B. They are all relatively minor. As a matter of fact, they tell me the State of New York, which was quite active in asking for exceptions, was able to meet in 1977 its maintenance-of-effort requirement.

It has been more of a threat than an actuality in terms of these exceptions, but it does remain there. For example, I saw in the Federal Register proposed regulations in another area on a higher education program where OE said they would grant an exception to maintenance-of-effort if the state or the institution reduces its budget. Well, that is contrary to the whole essence of maintenance-of-effort theory.

Chairman **Perkins**. Mrs. Kearney, coming from Buffalo, is Part B getting its fair share of administrative funds from the 5 percent set-aside or administration in your judgment?

Mrs. **Kearney**. Yes, from the state level. We get a great deal of support from the State Education Department.

Chairman **Perkins**. Let me restate the question.

Is Part B getting its fair share of the administrative fund from the 5 percent set aside for administration?

Mrs. **Kearney**. Right. The Bureau of School Libraries, which is administering this, gives the City of Buffalo a tremendous amount of support. They have come out to work with us on the application itself and we have had a tremendous amount of support from them.

Chairman **Perkins**. Do all of you agree that you are getting your fair share?

Mrs. **Hanna**. I am from a state department. I think Part C takes a larger share. They had a larger staff to start with and they were also able to use more than 5 per cent for administrative funds before, so they were sort of left with a need to pay salaries, I suppose, and expenses of running the program, from the old ESEA carryover group.

The guidance and counseling people, of course, were able to fund out of their grant money. Therefore, somebody had to pay their salaries. That came out. I know the amount of money that has been allocated for the library/media part has been quite a bit less and there has been a real problem with Part B getting their fair share in Michigan.

Chairman **Perkins**. Let me call on Mrs. Kearney again: In the 1974 Act we established an Office of Libraries and Learning Resources that I just described a few moments ago.

Do you think IV-B should continue to be administered within that unit?

Mrs. **Kearney**. Yes I think it should be adinistered by library people, people who have an understanding of the library program.

Chairman **Perkins**. On the State Advisory Councils, the Office of Education reports that in 1977 there were 81 council members with library/media in fifty states areas. This would indicate that library interests are already represented on these councils in almost every state. Why do you say that library/media representation should be mandated?

Mrs. Bedford, I will get back to you since you raised that question. You disagree with the type of representation that we have at the state level on the advisory board?

Ms. **Bedford**. Repeating again in Kentucky in the beginning of the Advisory Council we had no representation at all. We had to work and protest to get even one person applied on there. I do not really feel that one person for an entire state is enough. I think it should be broadened so that possibly you have two or three regions in the state represented and, as I said before, and I will repeat it very frankly, with one person you may draw a person who doesn't talk much or stand up much for school media resources; maybe doesn't present the case as well as they should.

If you have two or three people people there, you are going to have wider input from more sections of the state and I think you will stand a better chance of having good representation.

Chairman **Perkins**. Let me ask the panel, do you all agree that is the situation in your respective areas?

Dr. **Lombana**. In terms of guidance it varies greatly from state to state. In some states there is at least one guidance member on the advisory council and these situations work out fine. In other states what they have done is, they have taken the old Title III advisory council, made it the Title IV-B advisory council, so you have a different type of group.

Chairman **Perkins**. Now, the Chief State School Officers have recommended that the state educational agencies should be allowed to allocate up to 7.5 percent of their combined allocations for parts B and C, and the SEAs not be required to account for the expenditure of administrative funds by appropriation sources. What would be your feelings on this?

Dr. **Lombana**. I am not sure I really understand your question, Mr. Perkins, except I would say I am strong believer in accountability.

Mrs. **Hanna**. I don't believe in people receiving funds without having to account for what they have done with them. I don't undestand that part of their recommendation. If the 7.5 percent was to come from the total amount of money as we have it, for example, now, it would seem to me that is taking it away from the locals and they need money too.

We have been asking for additional kinds of funds for the state level that would be in addition to what is now available.

Chairman **Perkins**. Let me say this has been a very fine panel.

Mr. Jennings and Mr. Cross, counsels to the committee, may continue until other members come in.

I want to say that you have an excellent representative here in Washington, Mrs. Hanna, who always looks after your interests in the most advantageous way.

I thank you all for your appearance.

Mr. **Cross**. Dr. Lombana, let me follow up on a couple of things.

You mentioned the suggestion which others have that you take salaries out of Part B. If that were done, how would guidance and health personnel be paid for?

Dr. **Lombana**. I am not saying we don't need funding for guidance and counseling personnel. We certainly do, and we are going to make an effort this year to try to get other existing bills to help that along.

I am just looking at the reality of the situation. In Florida, which is my home state, there has never been enough money allocated to any given school district to really employ enough school counselors to make a significant difference.

Furthermore, when they have to go back and apply for funds year after year, that complicates things and that just hasn't worked out. We would like to see an amendment made maybe to Title I, maybe to 94-142, the exceptional child legislation. We are very involved in that—to fund our people salary-wise.

We are very supportive of programs under this Part 1 here for guidance. I am not saying we want to spend it all for equipment or materials, but program development, staff development activities, this sort of thing. We see that we could use that greatly.

Mr. **Cross**. You would not favor tranferring guidance counseling to Part C of the consolidation?

Dr. **Lombana**. No.

Mr. **Cross**. If you excluded salaries—I have forgotten, but I think Mrs. Kearney, you suggested Part B was needed to pay for librarians' salaries. I am sorry.

Mrs. **Kearney**. I said people were being mixed in with the resources in the present Title IV-B and there is a need right now just as crucial for library salaries perhaps as there is for guidance salaries.

I know Title IV-B does not address itself to that need and I didn't mean to clutter that situation. I just think salaries need to be taken out of Title IV-B and the resources remain there and additional legislation perhaps be introduced for salaries for library positions.

Mr. **Cross**. Thank you. That clarifies it.

Last year in the 1976 amendment there were some sections added on guidance and counseling. As I recall that state leadership appropriation or authorization was granted $3 million by the House and I believe nothing by the Senate.

There was also a separate authorization for guidance counseling programs to begin in fiscal '79, I believe, or '78, and neither the administration nor either body put in any money under that program.

Are you hopeful then that you can get some money some place? It appears that the average is low.

Dr. **Lombana**. You are exactly right. We are always hopeful and we are going to have to try new strategies obviously.

I guess what I am saying is, I just don't see this right here as the answer unless we were to greatly increase the appropriation.

Mr. **Cross**. You made a comment at the beginning of your statement which puzzled me and I don't understand it. You said, "None of us has benefited from the consolidation." You were referring to your colleagues at the table as well.

The appropriation has gone up under that part since the consolidation was implemented and if you have a whole pie, somehow when you divide it up somebody is going to get more, or at least the same amount they had before.

Everyone is charging that you are doing worse. Somebody has to be doing better. How can you reconcile the statement nobody is doing better?

Dr. **Lombana**. I can, of course, just speak for ourselves and I know back in the late 1950s and early '60's when we had the Titles V-A and B appropriations, guidance was well funded at the local level, the state level; guidance institutes throughout the country—I really don't remember the exact figures in terms of appropriation levels at that time. I know when that was consolidated into Title III the monies that used to go to the school districts disappeared. What we got out of that was some money then for state level leadership, so we lost in that transition somehow. I can't tell you in terms of how much money. Then with this Title IV-B, of course, we lost more here particularly at the state level because we were supportive of the state level under III, but not significantly here in IV-B and that is why we would like to change this a little bit.

Mr. **Millenson**. I think the record should show the consolidation is greater than the sum of its parts. When we consolidated programs we in effect added in the consolidation because NDEA III did not provide non-matching equipment to be available to the non-public school children and they now are eligible.

Thus, there is a greater universe that now enjoys IV-B. The appropriations, while they have increased, have not increased at that great a rate. The appropriation just approved by the conferees in the fiscal year 1978 bill increased a little over eight percent, which is just slightly more than the rate of inflation.

Mr. **Cross**. Yesterday, Mr. Hays, who is the OE Administrator of Part B, said their preliminary information for fiscal '77 shows that guidance counseling has gained notably since '76 in terms of state allocations.

I think it would be interesting to look at those when they become available after September 30.

It was suggested that maintenance of effort be made at the local level. I think there is some concern, if that were done, what sort of problems you would create in school districts where they might be in a cycle of spending money in one year for perhaps equipment and in the next year for perhaps some minor repair and remodeling, things of that sort, which would not fall within the same areas. Would you have some suggestions on how that could be implemented in a practical way?

Mr. **Jackel**. I think regarding the maintenance of effort, it seems to us there ought to be a relationship between the user and accountability. That is, why hold the state accountable when it is the local districts expending the money? Therefore, by state you get really no accountability. There ought to be cause and effect, a responsibility/authority relationship and I think that is the key to what we are requesting here.

Mr. **Millenson**. In terms of the techniques of it, there might be two approaches you may wish to consider exploring. Number one is that the maintenance of effort could be on a two-year basis. That is, the schools that are on a biennial appropriation, for example, expand in alternate years. One year is big and one year is small, so every other year it changes.

Another way would be to have a running average so that a local school district would maintain an average expenditure for the IV-B components over a period of two or three years. Thus, since some of it involves hard goods which might not be purchased every year, this would average out and they still could be held to the obligation to which Mr. Jackel referred.

Mr. Cross. Thank you. That is very helpful.

Mr. Jackel, you suggested moving guidance counseling from Part B to Part C. We have heard much conflicting testimony on that. I think probably as many on one side as the other. I suggest this not only to you, but to any of the others. What criteria should we consider in making that transfer, given the conflicting suggestions and testimony on the subject?

Mr. Jackel. I think I said we should move guidance and testing out, but I don't believe I specifically said to Part C. I think the important thing is the textbook programs and the other resource programs should just be kept separately from the personnel part of the programs. I think it is important to keep those two items separate administratively.

Mr. Cross. Ms. Bedford, in your conversation with the Chairman about the advisory council, you suggest three or four people and, of course, that would mean all the other areas would want three or four people. I think the data submitted yesterday by OE indicates some advisory councils are running as high as 31 people. I think your suggestion might be helpful involving even a larger size than that.

Do you think advisory councils of that size are really——

Ms. Bedford. I don't think it would necessarily run that high even with the three representatives I referred to. There wold be no reason for it to run a large number.

Of course, a larger advisory council some people might consider more unwieldy. I think the way things are right now for IV-B in my state, there needs to be definitely a greater amount of input, even if the council were a little larger. I think this would be a good thing.

Mr. Cross. How big is the Kentucky council?

Ms. Bedford. I think we have 20-some on it at the present time.

Mr. Cross. Yours is one of the larger ones even at this point?

Ms. Bedford. Yes.

Mr. Cross. I think the average is 17 or something of that sort.

Mrs. Hanna. It seems to me that everything else under the sun was named in the law about who should be on the advisory council. If I am not mistaken, it was almost picked up bodily out of the old Title III and moved over. I think what we really want to determine is why a big part of the program is not even mentioned as having a person on the advisory council. In Michigan we brought this to their attention and they added four people.

I don't think it is a real problem there, but in some states they have had a terrible time getting anybody on there who is called "media," or "library." At least the law mentions the name.

Mr. Cross. As the Chairman indicated from the figures given us, there are 81 people in fifty states——

Mrs. Hanna. We have four and others may have four. I don't know of any states that have none.

Mrs. Bedford, your written statement mentions purchase of a copying machine which you feel might not be in accordance with the law. I wonder if a photocopy machine shouldn't be a legitimate expenditure? What criteria would you suggest be established to eliminate the abuses which you and others have mentioned?

Ms. Bedford. This mention of the photocopying machine was one of the things that the library consultant in the State Department of Education found very distasteful when they were checking into how some Title IV-B funds had been spent. The particular copying machine they had mentioned there was not being used in any way toward education of boys and girls. As a matter of fact, it was a rather expensive machine where in this particular school district they had had a great desire for it in their office force, in their administrative staff for some time, and had never been able to afford it before. This was the way it was used.

Of course, in school media centers we do use copying machines for furnishing material for faculty and for students. That would be a legitimate use. The one mentioned particularly by these people was the fact that it was not being used for education of boys and girls in any way. It was strictly a business office type of thing.

Mr. Cross. Do you have any suggestions on how criteria could be established to determine whether it was contributing to the academic program?

Ms. Bedford. I think when these lists of purchase of equipment—I have some here in my folder—when they go into the state department after a project has been written up, I think there should be some way of following through here and seeing how this material, how these pieces of equipment are used. I think that should be a part of the criteria.

In other words, something for a simple office should not be considered as suitable for passage in this project. This is where I say there should be better state administration of this project so not only do they have lists of material, but there needs to be a follow-up on projects to see that it is actually used in the way you are appropriating money for it to be used.

Mr. Cross. Monitoring of that could be quite expensive, I think, depending on the kind of regulations written.

Ms. Bedford. This would be true, of course, and you couldn't follow it down to the final degree, but I think if there was a knowledge statewide, for instance, that there would be some follow-through and follow-up on this, that that might be more effective. In Kentucky at the present time there is no follow-up on these projets at all and this, of course, is well known.

Mr. Jennings. Could the other witnesses comment on whether they think Ms. Bedford's statements are true in their areas of Buffalo, Michigan and Florida; that some of these consolidated funds are not being used for the three purposes for which they are authorized to be used, and, if so, why that would be——

Mrs. **Kearney**. I can respond from the Buffalo area. The funds are being used for one of the purposes. Guidance salaries. There has been a very small amount of money spent in the last two years for library resources.

Mr. **Jennings**. There is no question in your mind it is a legitimate use? It is just a matter of priority in use?

Mrs. **Kearney**. Right.

Mrs. **Hanna**. If we have irregularities, they are very small. We review every project, about 1100 application forms which come in, spelling out what their educational needs are, and how they intend to spend their money to meet those educational needs.

If any item is found out of line, then we negotiate with them and say that is illegal. If they were writing about a copying machine, if it was in a guidance office, it would be legal.

It is how you write the project which makes some difference, I suppose, in the interpretation but we read each one of these and monitor them—the profesionals on my staff do and the guidance counsellor in the Department of Education does. Where we fall down in monitoring is going out to see how things are actually being used. You can write a project which says that you are going to buy a piece of equipment or materials for a certain purpose and if you go out to school and find it is being used in a different way then that is another thing. We can't monitor every building and every project that often and there is where we are not quite sure, but as far as the application is concerned, what they tell us to begin with, I think we are reasonabley clear. Undoubtedly there are monitor irregularities. There always are in anything that is large. On the whole, I think we have no trouble. We would not have ice machines and lockers for students and things like that because we would tell them to begin with, this is not legal.

Mr. **Jennings**. If you could provide something for the record about what percentage you use in complying with paper work forms——

Mrs. **Hanna**. My staff at the state level?

Mr. **Jennings**. That is used for monitoring and program administration.

Mrs. **Hanna**. During the time the applications are coming in, we have two professionals who spend I think 3 to 4 months, practically one 100% of their time. A lot of time is spent on the telephone talking to people during that time, possibly 30 to 40 percent of my time. In monitoring, we have one person doing that full time. All she has to do is report. She is in the office some but she is out on the road approximately three days a week, most of the school year. Again, one district a day, we don't get around. We have too many districts. We have quite a bit of state level time spent in doing this, but it is not really enough.

Mrs. **Kearney**. I would like to respond to that also. The Buffalo Public School District has used the Title IV allocation for guidance salaries for the last two years, but public schools money is used for library resources and as the administrator of that program I would imagine that I spend at least one month of my time looking over the applications and preparing the application for Title IV-B which eventually goes in.

Once the actual application is approved and we begin writing requisitions for utilizing the monies, a great deal of my time is again used at that point.

In essence, the Buffalo library/media center program is not really benefiting from my time that is used.

Dr. **Lombana.** I know of no misuse of funds.

Mr. **Jackel.** We have some evidence in a study by the Association of Media Producers of some abuses in Title IV-B funds. We have an instance where in a guidance counselor's office a Muzak system was set up. As I indicated in my talk, bleacher seats for the football field and band uniforms. Certainly we feel these items represent things unrelated to basic learning and are not in accordance with the legislation.

We are concerned with what happened after these abuses are found and what steps are taken to effect recovery of these funds.

Mr. **Cross.** Mrs. Bedford, we had a hearing a couple of years ago on the fundamental program and Mrs. McNamara, Chairman of the National Program, submitted a written statement in which she suggested that the Commissioner be allowed to waive the local matching fund under that in cases of exceptional hardship. She mentioned specifically places like Appalachia, where it is hard to make up that local matching. What would your reaction be to that?

Ms. **Bedford.** I think the hardship element is true. I think I would be reluctant to see any waiving.

Mr. **Cross.** Do you have any RIF programs in your area that you know of?

Ms. **Beford.** Yes, we have some in the area. Appalachia, of course, is a place where it would be of great benefit. I think it would be bad. I will put it this way. I can't think of a way that I would justify wanting it waived.

Mr. **Cross.** Mrs. Kearney, you said a couple of things I would like to follow up on. For two years now guidance counseling has gotten the bulk of the money. How does the local school district determine how to spend their share?

Mrs. **Kearney.** There was a group organized at the beginning of Title B and the Planning Committee is composed of each one of the academic areas represented within the existing Title IV-B fund.

Mr. **Cross.** You sit among that group?

Mrs. **Kearney.** I sit among that group, right.

The first year each of us brought in a proposal for utilizing a portion of those funds. After evaluating the proposals and evaluating the district's financial problems, the decision was made that guidance and counseling would be the high priority that particular year.

Mr. **Cross.** That was the superintendent's decision?

Mrs. **Kearney.** I don't really know where that decision originated.

Mr. **Cross.** Some place up there?

Mrs. **Kearney.** Yes.

Mr. **Cross.** That has been the pattern in the last years?

Mrs. **Kearney.** Yes.

Mr. **Cross.** Is that pattern similar in other school districts?

Mrs. **Hanna**. We recommend such consultation, but in many cases we know superintendents in small districts probably sit down and fill it out. You can tell people they ought to do things in certain ways, but they don't always follow it.

Ms. **Bedford**. This is one of the things I mentioned before; one of the great deterrents in Kentucky is the dissemination of information. I mentioned the fact we have approximately 1200 school media libraries in our state right now. Approximately 600 of those people belong to the Kentucky School Media Association which is our professional association. Through bulletins from KSMA they will know about Title IV funds, but it is a matter of real concern and I think it would be a matter of real concern to all of you.

There will be approximately 600 school media people sitting out there in the State of Kentucky right now that really aren't aware of Title IV-B and in most of those 600 cases I can assure you superintendents really aren't going to tell them that there is money available there, and these decisions are made on an administrative level. In a district the size of mine, usually the decision will be made between the superintendent and the federal project person. This is bad in my thinking.

Mr. **Cross**. In your own district in the current year what is the ratio of expenditure between the three categories?

Ms. **Bedford**. We are just getting ready. As a matter of fact, when I was getting ready to come up here, we were getting ready to work on the IV-B project.

Mr. **Cross**. How about last year?

Ms. **Bedford**. Last year it went completely to guidance.

We have had in our school system no use of IV-B at all yet. It has been used to pay the salary of a school psychologist.

Mr. **Cross**. How much money does your school system get?

Ms. **Bedford**. We had last year I think a lttle over $9,000. That did not pay all of the salary. It was combined with some other things.

I did say before; and I want to repeat again, we have been in the process of merger there. Priorities were not really determinable. I want to speak for my school superintendent there. We have had some talks about this and will change it in the coming year. We are beginning to write a project now, when I get back. He feels this has really been a poor decision in these past years and we need to do something else.

Dr. **Lombana**. I would like to say somewhere this money is all disappearing down the drain. I have copies of letters from some of my people saying things like, well, we haven't seen a dollar of IV-B money; it is all going for library books, and you know this sort of thing. I just want to kind of say it works both ways here.

Ms. **Bedford**. This is very true and I want to back you in that, depending on the location. You know what I mean. I am not saying what happened in Montgomery County is a sample of what happened every place. This is what happened in Montgomery County. I think there is need for support of both programs and I want to make that very clear because I do feel that.

Mr. **Cross**. Maybe this is a case where if you are being criticized by all sides you are doing something right.

Mrs. Kearney, how much money does Buffalo have?

Mrs. **Kearney**. Lsat year's appropriation was $161,000.

Mr. **Cross**. How much of that goes to the non-public schools?

Mrs. **Kearney**. Approximately $25,000.

Mr. **Cross**. And what percentage of the students in Buffalo are in non-public schools?

Mrs. **Kearney**. I don't know that I can really give you an answer to that.

Mr. **Cross**. Could you send that back to the committee for our record?

Mrs. **Kearney**. I will be happy to do that.

Mr. **Cross**. It is about 20 percent of the money—you say 160——

Mrs. **Kearney**. 161.

Mr. **Cross**. It is about 15 percent of the money that is going there. If you could provide that to us, it would be helpful.

[The information requested follows:]

Buffalo, New York, Public School System

1976/77 School Year

Public school enrollment	54,562
Nonpublic enrollment	20,770
ESEA IV-B public school allocation	$168,580
ESEA IV-B nonpublic allocation	$ 55,854

New York State Allocation Formula

In New York, Part B of ESEA Title IV is allocated to local educational agencies on a distribution formula which seeks to equalize financial resources available for educational purposes. Seventy percent is allocated on pupil enrollments in public and private nonprofit schools. Twenty-five percent is allocated on a per capita basis to benefit pupils in public and private schools with pupils with special educational needs. Five percent is allocated on a per capita basis to local education agencies with substantially greater than average tax effort for education, but lower per pupil expenditures than the state average.

Mr. **Cross**. In your district, Mrs. Bedford, are there any non-public schools?

Ms. **Bedford**. No.

Mrs. **Kearney**. I believe the money is allocated at the state level on a per-pupil basis so the money received by the non-public schools would be comparable per pupil to the money received by the public schools, but I will definitely get that information.

Mr. **Cross**. Do you have any information in Michigan, Mrs. Hanna?

Mrs. HANNA. We have about two million public school students and about 800,000 in non-public schools of one kind or another.

I was looking at the funds for 1977 that I have here. The non-public schools went very heavily for materials. $192,000 as opposed to $56,000 for equipment and only $451 was used for any kind of guidance activity, which was probably some kind of consortium idea they got into in training faculty or something along that line.

The public schools spent $1,861,000 on materials, $1,241,000 on equipment and $805,000 on guidance and counseling approximtely in '77.

Mr. CROSS. Could I ask you to submit for the record the summary figures for Michigan?

Mrs. HANNA. Yes.

Mr. CROSS. That would be very helpful. And also if you could, as in the case of Buffalo, check on what the enrollment is.

Mrs. HANNA. I will get you the exact figures.

Mr. CROSS. Also you suggested printing and distribution of B and C separate in your statement. Any estimates on what you have of what the savings would be of having the forms printed separately and mailed separately so you aren't going through the duplication of sending to all school districts?

Mrs. HANNA. Yes. Most would be in the C part.

[The information requested follows:]

Michigan

Enrollment (latest figures)

Number	Enrollment
587 public school districts	2,120,724 students
861 non-public schools	217,964 " "
Total	2,338,688

Expenditures of Title IV-B funds in FY 1977

(Based on preliminary allocation of 85% of the money)

	Materials	Equipment	Guidance	Remodeling
Public Schools	$1,861,054	$1,241,480	$805,381	$28,821
Non-Pub. Schools	192,980	56,517	451	-0-
REMC's*	1,397,998	984,916	335,181	31,797
Totals.....	$3,452,032	$2,282,913	$1,141,013	$60,618

*Regional Educational Media Centers (22 in number) which are considered LEA's and receive a portion of per capita funds.

Printing and Mailing costs (approximate) for single application and handbook.

Printing Costs	Consolidated (based on 1500 cops.)	Part B (based on 1500 cops.)	Part C (based on 250 cops.)	(Saving)
Application	$375.00	$150.00	$50.00	(175)
Handbook	1,200.00	550.00	100.00	(550)
Mailing costs	(UPS)	(UPS)	(UPS)	
Application & Handbook	$1,000.00	$750.00	$15.00	(235)
TOTAL	$2,575.00	$1,450.00	$165.00	(960)

Savings, if separate - roughly $960.00, mostly for Part C

Mr. JENNINGS. The House is in session and we will have to adjourn.

The hearing is adjourned until 9:30 tomorrow morning. Thank you.

[Whereupon, at 11:23 a.m., the subcommittee was adjourned, to reconvene at 9:30 a.m., the following day, Thursday, July 28, 1977.]

PART 8: ESEA CONSOLIDATED PROGRAMS

THURSDAY, JULY 28, 1977

House of Representatives,
Subcommittee on Elementary, Secondary
and Vocational Education,
Committee on Education and Labor,
Washington, D.C.

The subcommittee met, pursuant to notice at 9:40 a.m., in room 2261, Rayburn House Office Building, the Hon. Carl D. Perkins (chairman of the subcommittee) presiding.

Members present: Representatives Perkins, Buchanan, and Pressler.

Staff present: John F. Jennings, majority counsel; Christopher Cross, minority senior education consultant; and Nancy L. Kober, staff assistant.

Chairman **Perkins**. The committee will come to order.

The focus of today's hearing is on the Part C consolidation, Title IV, of the Elementary and Secondary Education Act, called the Innovation and Support program.

We will hear from a panel of witnesses today composed of state coordinators of these programs and evaluators who have conducted several studies on the effectiveness of these programs.

PANEL OF MR. PAUL BERMAN, SENIOR SOCIAL SCIENTIST, THE RAND CORPORATION; DR. JOHN A. EMRICK, SENIOR EDUCATIONAL PSYCHOLOGIST, SRI INTERNATIONAL; MR. L. H. HOWELL, JR., ADMINISTRATOR, ESEA, TITLE IV-C INNOVATION, FLORIDA DEPARTMENT OF EDUCATION; MR. REEVES MC GLOHON. ESEA TITLE IV COORDINATOR, NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION AND MRS. LINDA D. BRYSON, TITLE IV-B CONSULTANT, COLORADO DEPARTMENT OF EDUCATION

Chairman **Perkins**. Mr. Berman, you may proceed. All prepared statements will be included in the record.

[The prepared statement of Mr. Berman follows:]

Testimony to the Subcommittee on Elementary, Secondary and Vocational Education

Committee on Education and Labor, U.S. House of Representatives

Prepared by Paul Berman, Senior Social Scientist

The Rand Corporation, Santa Monica, California

July 28, 1977

In July 1973, the U.S. Office of Education (USOE) awarded a contract to The Rand Corporation to study a national sample of educational innovations funded by federal programs. The study aimed to help improve federal change agent policies by describing how the process of innovation works in its local setting, and by trying to discern what factors affect the innovative process and its outcomes.

This testimony summarizes findings from Rand's research.[*] The views and conclusions expressed are those of the testimony's author and should not be interpreted as representing those of The Rand Corporation or any of the agencies sponsoring its research. Although the research included four different federal programs, the following discussion will focus on findings for the Elementary and Secondary Education Act, Title III, Innovative Projects, which has now become Title IV C.

STUDY DESIGN

The Rand study was conducted in two phases. The first phase (July 1973 to July 1975) studied local innovations during their last or next to last year of funding by federal change agent programs, and the research focused on the initiation and implementation of these local projects. Four federal programs were identified by USOE to be included in Phase I of the study: Elementary and Secondary Education Act Title III, Innovative Projects; Elementary and Secondary Education Act Title VII, Bilingual Projects; Vocational Education Act, 1968 Amendments, Part D, Exemplary Programs; and Right to Read.[**] Despite differences in focus and management strategy, these change agent programs had a common purpose: the stimulation and spread of educational innovations. They also had a common policy instrument: the provision of temporary funds (3 to 5 years) which, although small relative to the budget of a school district, were intended to fund new educational services, not to support existing practice. Because we studied four programs rather than one, we were able to compare the initiation and implementation of approximately three hundred projects funded by the different programs.

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[*] The study's findings are reported in eight volumes under the general title Federal Programs Supporting Educational Change (R-1589-HEW). The appendix describes the contents of these volumes.

[**] In FY1974, the year of the major research activities of Phase I of this study, the approximate funding levels of the federal programs were: ESEA Title III, Innovative Projects, $150 million; ESEA Title VII, Bilingual Projects $45 million; Vocational Education Act, 1968 Amendments, Part D Exemplary Programs, $16 million; and Right to Read, $12 million. Since these programs have evolved since 1974 (e.g., Title III has become consolidated into Title IV under the 1974 Amendments to ESEA), the discussion in this testimony refers to the programs as they existed during the time when the project studied had federal funds.

Phase II (August 1975 - April 1977) examined what happened to innovative projects after the end of the federal funding period. Accordingly, two years after the initial field research, Rand restudied a sample of approximately 100 of the projects, originally funded under Title III of ESEA. By thus studying local innovations one to two years after the end of federal funding, we were able to explore the longer run effects of the federal policy of providing "seed money" as a means to promote educational reform.

THE FINDINGS

Our overall findings can be stated quite simply. Federal change agent policies had a major effect in stimulating local districts to undertake projects that were generally consistent with federal categorical guidelines. This local response resulted from the availability of federal funds and, in some programs, from guidelines that encouraged specific educational practices. But the adoption of projects did not insure successful implementation; moreover, successful implementation did not guarantee long-run continuation. Neither those policies unique to each federal program nor those policies common to all of them strongly influenced the fate of the innovations that had been adopted by the districts. In sum, the net return to the federal investment was the adoption of many innovations, the successful implementation of few, and the long-run continuation of still fewer (with the exception of the special case of bilingual projects, where federal and state funding continues to be available).

All the federal programs funded projects that were implemented successfully, as well as projects that were dismal failures and many projects in between. The difference between success and failure depended primarily on how school districts implemented their projects, not on the type of federal sponsorship. The guidelines and management strategies of the federal change agent programs were simply overshadowed by local concerns and characteristics.

The dominance of local factors is also illustrated by the ineffectiveness of a main policy instrument of these "seed" money programs--namely, the size of the grant. The projects in our sample varied considerably in their level of funding, from ten thousand to several hundred thousand dollars per year. The larger grants tended, not surprisingly, to be awarded to larger districts, to fund projects in a greater number of schools, or to fund projects that spent more money per student. The larger grants also tended to support educational methods that focused on individualization techniques. In this case, federal funds typically were used to hire the teacher aides necessary for individualizing classroom activities. By and large, however, more expensive projects were no more likely than less expensive ones to be implemented effectively or to lead to changes in teachers' behavior. More money did not necessarily purchase those things that mattered; it did not "buy," for example, more committed teachers, more effective project directors, more concerned principals, and so on. In other words, project outcomes reflected not the amount of funds, but what the local staff did with them.

This is not to say that "federal money doesn't matter." Federal seed money allowed some districts to undertake activities that their staff were anxious to pursue but that could not be supported out of district funds. Yet, the record of the way school districts used federal grants is spotty. Many projects were started simply for the purpose of receiving federal largesse and, as far as we could tell, without any real intention to deal with central, or even not so central, local problems. The result of this behavior, which we call opportunism, was predictable: opportunistic projects were poorly implemented and disappeared with the last federal check.

Projects taken seriously by district officials and school staff generally were more likely to be implemented than opportunistic projects. But even effective implementation did not always mean that the longer term federal objective of promoting stable change in local practices was achieved. At the end of federal funding, district officials had to decide about the continuation of a change agent project. This decision was not made primarily on the basis of the project's educational success during the period of special funding, as a "seed money" model assumes. Instead, local organizational and political factors moderated and determined the district's commitment to continue change agent projects, even if the project had demonstrated its value.

Moreover, few districts in our sample planned for the long-term stability of projects. The end of federal funding generally resulted in a reduction of resources for most projects, particularly expensive ones. For example, innovations that had used "soft" money to reduce the student-to-adult ratio (e.g., by hiring aides) were cut back to live within the district budget. Many districts complained of insufficient resources to carry on project activities or to permanently fund extra project staff. But financial difficulties usually involved questions of budget allocations that could have been foreseen and planned for from the project's inception. Instead, budget and personnel decisions typically perpetuated the "special project" status of innovations and left them vulnerable to the financial and political fortunes of the district.

Thus, few districts adequately prepared themselves for sustaining or spreading the changes resulting from even successfully implemented projects. This created an anomalous situation. Except for opportunistic or peripheral projects that essentially were not implemented, the methods or materials of most innovations in our sample were still being used to some extent by teachers two years after the end of federal funding; yet, in most cases, the project's continued use in the classroom was not matched by permanent changes in district procedures in budget, personnel, staff support, and instructional areas that would be required to maintain classroom practices. The prognosis for the continued existence of these projects was poor. In most cases, the innovations funded by federal "seed money" had not taken root.

In summary, our findings cast serious doubt on the efficacy of providing seed money to promote educational reform. Seed money does stimulate school districts to adopt innovations. But it assures neither successful implementation nor long-run continuation, because these difficult and uncertain processes depend on the characteristics of school districts and the choices made by them. The prospects for more effective policy would seem to lie in understanding these local processes and the factors within and outside of the district that affect them.

FACTORS AFFECTING PROJECT OUTCOMES

The very complexity of the innovative process teaches us an obvious, though often ignored, lesson: No simple or sure way can be found to effect educational change and have it persist. Nor is any single factor the answer to successful innovation, whether it be money, a new technique or a change in personnel. Rather, the fate of an innovation depends on the complex interplay among characteristics of the innovative project itself and the institutional setting it seeks to change. From these many characteristics, we sought to find out which ones had systematic and significant effects on implementation and continuation across a wide variety of projects and settings.

More specifically, we considered project outcomes to depend on two classes of factors in addition to federal policies:

- Project characteristics (educational method, project resources, scope of proposed change, implementation strategies)
- Institutional setting (organizational climate and leadership, school and teacher characteristics, district management capacity and support)

The remainder of this testimony discusses how much each factor influenced what happened to local innovations.

Educational Methods

School people rarely adopt an innovation from outside their district without changing it. Whether they wish to "replicate" a specific project they saw or heard about elsewhere, or to apply a general educational concept such as differentiated staffing, project designers tend at the beginning to adapt the innovation to the local setting as well as to their own interests. For example, a mastery learning project that was successful elsewhere may use materials that are not appropriate for the staff or students of the adopting district. Or, district staff may like the reading instruction strategies of one project, but prefer to use the classroom organization methods of another. Moreover, during project implementation, teachers tend to adapt the project's original design to their own needs and to the conditions of their classroom. These local adaptations mean that projects based on essentially the same educational methods can be, and usually are, implemented very differently and thus more-or-less effectively. Consequently, the specific educational method chosen by a school district did not accurately forecast the project's outcomes. In short, what the project was mattered less than how it was done.

Project Resources

Our findings about the effects of project resources are similar to those for educational methods: more expensive projects were generally no more likely than less expensive ones to be effectively implemented, elicit teacher change, improve student performance, or be continued by teachers. Nor did variations in the number of project schools per district or in the funding per student strongly affect project outcomes in most cases.

Scope of Proposed Change

The scope of a change agent project—how much it seeks to accomplish relative to its setting—concerns local officials as well as federal and state planners. Should ambitious and comprehensive innovations be supported, despite a possible high risk of producing no change at all, or should narrow, presumably "safer" bets be backed? Our analysis shows that this question does indeed deserve serious attention, because the project's scope influenced implementation and continuation in many ways. Though we did find more difficulties associated with more ambitious efforts, the question has a deceptively simple answer: Little ventured, nothing gained.

Our data indicate that teachers rise to challenges. Ambitious and demanding innovations seem more likely to elicit the commitment of teachers than routine projects. They do so in part because they appeal to the teachers' professionalism; that is, a primary motivation for teachers to undertake the extra work and disruption of attempting change is the belief that they will become "better" teachers and that their students will benefit.

In summary, ambitious and demanding innovations promoted teacher change and teacher continuation of project methods without necessarily causing unmanageable implementation problems or diminishing gains in student performance. Teachers must clearly understand these project's goals and precepts; such clarity ordinarily comes during implementation. We doubt whether projects aiming at significant change could be effectively implemented across the whole school system at once. A wiser strategy would probably be to go step by step, so that each school or group or schools can pass its particular threshold of change before new changes are attempted.

Implementation Strategies

In terms of policy import, a major finding of this study involves implementation strategies--the local decisions and choices, explicit or implicit, on how to put an innovation into practice. We found that these strategies could spell the difference between success or failure, almost independently of the type of innovation or educational method involved; moreover, they could determine whether teachers would assimilate and continue using project methods or allow them to fall into disuse. Implementation strategies should be particularly important to policymakers, even though such elements of the institutional setting as school leadership and teacher characteristics had even greater effects on the project's fate; while there may be no direct leverage on the institutional setting, policy instruments might be formulated that could influence the choice of implementation strategies.

The following strategies were particularly effective in helping teachers to implement and continue project activities:

- Concrete and extended training
- Classroom assistance from project or district staff
- Observation of projects in other classrooms, schools, or districts
- Regular project meetings
- Teacher participation in project decisions
- Local materials development
- Principal participation in training

Institutional Setting

An innovation's local institutional setting had the major influence on its outcomes. Three factors were particularly crucial--school and project leadership, teacher characteristics, and school district management capacity.

Our data leave little doubt that the leadership of the project director and school principal greatly affected implementation and continuation. A skillful project director was able to facilitate effective implementation and build teacher commitment and support and thus increase the possibility that teachers would assimilate and continue project features. The principal's support was most crucial to project continuation. The districts examined in the study sample often took a laissez-faire attitude toward the project after the conclusion of the federal grant, thus it was up to the principal to "fight" for the project and protect it from financial, personnel, and political problems that would lead to its termination. All told, the school principal amply merits the title of "gatekeeper of change."

The characteristics of teachers had great weight on both the short-run and long-run effects of projects. Teachers have to be flexible to master new techniques, as well as being committed to them. We found that the more years of being on the job, the less susceptible to change teachers seemed to be. More important than years of teaching, however, was the teachers' attitudes about their own professional competence: teachers who felt they could help even the most difficult student seemed to be more flexible and open to change.

Districts differ sharply in their capacity to manage change agent projects and in their receptivity towards them. The study found that the constant and active support of school district officials and specialized staff are essential to the project's short-run outcomes and especially its long-run fate.

For example, supportive districts designed continuation strategies from the project's onset that were aimed at maintaining the project in the face of financial, personnel, and political uncertainties. The exact nature of these continuation strategies (as well as their effectiveness) depended on the particular attributes of the local setting, but the broad outlines of their objectives can be seen.

They aimed to smooth the project's transition from its "special status to its institutionalization (i.e., to becoming a regular part of district operations). In the budget area, the project had to change its status from a special line item to a standard activity absorbed in the district's operating budget. "Political" groundwork typically had to be laid to convince school board members of the project's priority. In the personnel area, a procedure for replacing key project personnel had to be established; for example, some LEAs use project participants as "training cadre." In the area of curriculum support, staff training and development needs had to be incorporated into regular in-service activities if new project members were to be "brought on board" and older ones kept fresh. In the instructional area, projects had to replace existing practices; this meant that district officials once again had to mobilize the support of principals and teachers.

In summary, from beginning to end, a supportive institutional environment was necessary for a project to be effectively implemented and to take root.

CONCLUSIONS

1. Federal change agent policies stimulated the adoption of innovations consistent with federal priorities, but neither those policies unique to each federal program nor those policies common to them strongly influenced the fate of adopted innovations.
2. Neither the resources available to a project nor its educational method greatly affected the project's outcome or continuation. Inputs to school districts, whether money, new methods, or federal guidelines, mattered less than other local factors.
3. Ambitious and demanding innovations promoted teacher change and teacher continuation of project methods without necessarily causing unmanageable implementation problems.
4. Locally chosen implementation strategies strongly influenced both the project's short-run outcomes and its longer-run fate.
5. Leadership of principals and project directors was a vital factor at both the school and the project level.
6. Teachers' commitment and positive attitudes toward their own professional competence enhanced implementation and continuation, whereas many years in teaching had negative effects.
7. A supportive district environment seems necessary for an innovation to be effectively implemented and sustained.

APPENDIX

The findings of Rand's study of change agent projects are reported in eight volumes under the general title Federal Programs Supporting Educational Change (R-1589-HEW). A series of five reports describes the results of the first phase of the research:

Volume I (R-1589/1-HEW, A Model of Educational Change) provides a theoretical perspective for the Rand study by analyzing the current state of knowledge of planned change in education and by proposing a conceptual model of factors affecting change processes within school districts.

Volume II (R-1589/2-HEW, Factors Affecting Change Agent Projects) contains the analysis of survey data collected from a national sample of 293 projects in 18 states during November and December 1973.

Volume III (R-1589/3-HEW, The Process of Change) summarizes the findings and policy implications resulting from 29 case studies of change agent projects conducted by Rand staff members and consultants in 25 school districts during April and May 1974. These case studies were chosen from the original sample of 293 projects initially surveyed. Volume III also describes the role of state education agencies in selecting, managing, and disseminating the change agent projects.

Four technical appendixes to Vol. III describe in detail the federal program management approach, state education agency participation, and case studies for each of the programs in the study: Title III, App. A; Reading, App. B; Bilingual Education, App. C; and Career Education, App. D. Appendix A should be of particular interest to researchers or practitioners concerned with the introduction of new approaches to classroom instruction.

Volume IV (R-1589/4-HEW, The Findings in Review) summarizes the findings of Vols. I, II, and III, and also synthesizes extensive data collected by Rand on federal-level program strategy and management for each of the change agent programs. Volume IV also includes a discussion of alternative federal strategies for promoting innovation.

Volume V (R-1589/5-HEW, Executive Summary) summarizes the first phase of the research for a general audience.

The results of the final phase are reported in three volumes:

Volume VI (R-1589/6-HEW, Implementing and Sustaining Title VII Bilingual Projects), discusses the complex process of establishing bilingual programs in local school districts, with particular attention given to those aspects of the Title VII program and to those political influences that affect local implementation. The fieldwork, viewpoint, and data interpretation build on the extensive empirical work done in the first phase of the study and reported in Vol. III, App. C (Innovations in Bilingual Education, R-1589/3-HEW).

Volume VII (R-1589/7-HEW, Factors Affecting Implementation and Continuation) presents an analysis of the survey data collected in 100 Title III projects in 20 states. This volume deals specifically with the questions of implementing, sustaining, and spreading part or all of special project strategies after federal support ends.

Volume VIII (R-1589/8-HEW, Implementing and Sustaining Innovations) summarizes the findings from both phases of the study and, drawing on these results, describes the process of change at the local level--initiating, implementing, sustaining, and spreading innovative projects. Volume VIII also includes a discussion of policy implications that derive from this study.

STATEMENT OF PAUL BERMAN

Mr. BERMAN. I am Paul Berman from the Rand Corporation. I would like to give you a brief background on a study we have conducted.

In July , 1973, the U.S. Office of Education awarded a contract to the Rand Corporation to study a national sample of educational innovations funded by Federal programs.

Despite differences in these programs, they had a common purpose, the stimulation and spread of educational innovation. They also had a common policy instrument, the provision of Federal money which, although small relative to the budget of the school districts, were intended to fund new educational services, not to support existing practice.

I would like to address two questions today.

The first question is a broad one. How effective were the seed money strategies in promoting improvements in local pactices? The answer has good news and bad news, but first let me go into the good news.

Federal change agent policies had a major effect in stimulating local districts to undertake projects that were generally consistent with Federal categorical guidelines. This local response resulted primarily from the availability of Federal funds and in some programs from the guidelines that encouraged specific educational practices.

Now the bad news. First of all, school districts often did not or could not carry out the adopted innovations in ways that improve local educational practice. We call this the implementation problem.

Second, even when school districts overcame implementation difficulties and successfully implemented their projects, they often did not continue them after the end of Federal funding. In sum, the net return to the Federal Government was the adoption of many innovations, the successful implementation of few and the long run continuation of still fewer.

The first point I would like to make is about the nature of implementation itself. The difference between success and failure on projects depended primarily on how school districts implemented their projects, not on the type of Federal sponsorship.

The guidelines and mangement strategies of the Federal change agent programs was simply overshadowed by local concerns and characteristics. This dominance of local factors can be illustrated by our findings about the effects of the main policy instruments of these seed money programs; namely, the size of the grants.

By and large more expensive projects were no more likely than less expensive ones to be implemented effectively or to lead to changes in teachers' behavior. The projects in our sample varied considerably in their level of funding from ten thousand to several hundred thousand dollars per year. The larger grants tended not surprisingly to be awarded to larger districts to fund projects in a greater number of schools, or to fund projects that spend more money per student. The larger grants also tended to support educational methods that focused on individualization techniques.

In this case, Federal funds were typically used to hire teacher aides necessary for individualizing classroom activities, but more money did not necessarily purchase those things that mattered.

It did not buy, for example, more committed teachers, more effective project directors, more concerned principals and so on. In other words, the project outcomes reflected not the amount of funds, but what the local staff did with them. This is not to say that "Federal money doesn't matter" at the local level. Federal seed money allowed some districts to undertake activities that their staffs were anxious to pursue, but that could not support out of their own district funds. Yet the record of the way school districts use Federal grants is spotty. Many projects were started simply for the purpose of receiving Federal funds and as far as we could tell without any real intention to deal with central or even not-so-central local problems.

The result of this behavior was predictable: These projects were poorly implemented and disappeared with the last Federal paycheck.

In contrast, projects taken seriously by district officials and school staffs generally were more likely to be implemented. However, effective implementation did not always mean that the longer term Federal objective of promoting improvements in local practices was achieved. At the end of Federal funding, district officials had to decide about the continuation of a change agent project. This decision was not made primarily on the basis of the project's educational success, as a seed money model assumes. Instead, local organizational and political factors determined the district's commitment to continue change agency projects even if the project had demonstrated its value.

Moreover, few districts in our sample planned for the long term stability of the projects. The end of Federal funding generally resulted in a reduction of resources for most projects, particularly expensive ones. For example, innovations that used soft money to reduce the student/adult ratio, for instance, by hiring aides, were cut back to live within the district budget. Many districts complained of insufficient resources to carry on project activities or to permanently fund extra project staff. But financial difficulties usually involve questions of budget allocations that could have been foreseen and planned for from the project's inception.

Instead, budget and personnel decisions typically perpetuated the "special project" status of innovations and left them vulnerable to financial and political fortunes of the district. Thus few districts adequately prepared themselves for sustaining or spreading the changes resulting from even successfully implemented projects. This created an anomalous situation which we often observe in these fields.

The methods or materials and many innovations in our sample were still being used to some extent by teachers in classrooms two years after the end of Federal funding. Yet in most cases the project's continued use in the classroom was not matched by permanent changes in district procedures, in budget, personnel, staff support and instructional areas that would be required to maintain classroom practices.

The prognosis for the continued existence of these projects, in other words, was poor. In most cases the innovations funded by Federal seed money had not taken root.

I would like to summarize these findings with just several points.

First of all, the findings raise serious questions for current strategies of providing seed money to promote educational improvements. Seed money does stimulate school districts to adopt innovations, but there is not necessarily long-range continuation because these difficult and uncertain processes depend on the motivations and management capacities of local school districts.

I would like to stress two implications of these findings: First of all, improving local educational practices is a hard job and school districts need help and guidance in accomplishing it.

They often have not developed the management skills and motivations to implement and sustain change.

Secondly, the process of improving educational practice is essentially a local process in which Federal and State governments can play an important but only a limited role.

I would like to end my testimony at this point.

I have two other things I would be more than willing to discuss, specifics about the findings at the local levels and some poilcy implications that we talk about with regard to the study. Thank you.

Chairman **Perkins**. Thank you very much.

We will now hear from Dr. Emrick.

[The prepared statement of Dr. Emrick follows:]

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Statement of Dr. John A. Emrick
Senior Educational Psychologist and
Director, Evaluation of the National Diffusion Network
SRI International, Menlo Park, California

Presented before
the U.S. House of Representatives
Subcommittee on Elementary, Secondary,
and Vocational Education

July 28, 1977

Statement of Dr. John A. Emrick, Senior Educational Psychologist and Director, Evaluation of the National Diffusion Network, SRI International, Menlo Park, California

Presented before the House of Representatives
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Mr. Chairman, and members of the subcommittee, I am pleased to come before this subcommittee and provide an overview of findings from our recently completed evaluation of the National Diffusion Network (NDN). Created in 1974 under Title III, Section 306 of the Elementary and Secondary Education Act (ESEA), the NDN is designed to bring together representatives of federal, state, and local agencies in order to promote the exchange of successful ideas, materials, and programs within and across state lines. Through the NDN, programs that have been identified as successful and validated by the OE/NIE Joint Dissemination Review Panel (JDRP) are made available to Local Education Agencies (LEAs) interested in installing these programs in their schools.

An overview of the NDN diffusion system, showing its organizational and "network" structure, is diagrammed in Figure 1. As this figure shows, of the pool of approved programs, a subset have been funded for active dissemination (referred to as Developers in the NDN). These Developers are then linked to potential adopters (interested LEAs) through regional (or state) Facilitators. It is this process and its consequences on which our study focused.

Evaluation Perspective

In June 1975, the Office of Planning, Budgeting and Evaluation (OPBE) of OE contracted with Stanford Research Institute to conduct a comprehensive, nationwide, indepth evaluation of the NDN organization, processes, and outcomes during the 1975-76 school year, for the purpose of better understanding the relative effectiveness of this approach to program dissemination.

Our evaluation sought to address four major goals:

(1) To provide a comprehensive description of the evolution, organization, objectives and operating procedures of the NDN.

(2) To describe the NDN processes and provide insight into how these processes influence adoptions.

(3) To evaluate the organizational effectiveness of the NDN and supporting components.

(4) To conduct policy analyses on evaluation findings and advance specific recommendations regarding the continuation of the NDN.

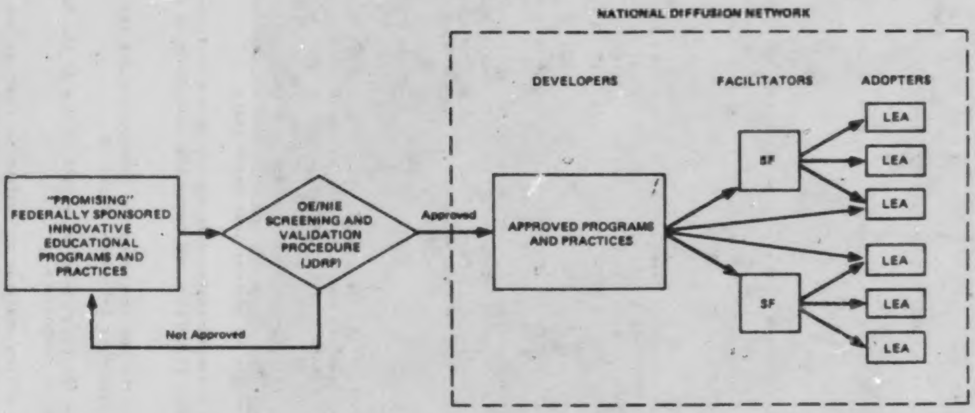
NATIONAL DIFFUSION NETWORK
DEVELOPERS
FACILITATORS
ADOPTERS
"PROMISING" FEDERALLY SPONSORED INNOVATIVE EDUCATIONAL PROGRAMS AND PRACTICES
OE/NIE SCREENING AND VALIDATION PROCEDURE (JDRP)
Approved
Not Approved
APPROVED PROGRAMS AND PRACTICES
SF
SF
LEA
LEA
LEA
LEA
LEA
LEA

FIGURE 1 OVERALL SCHEMATIC OF THE NATIONAL DIFFUSION NETWORK, USOE

Our study of the NDN was conducted over an 18-month period, beginning July 1, 1975. Baseline information was gathered by means of a questionnaire survey of 1974-75 participants (including a sample of adopting school districts) in the Fall of 1975, and a more comprehensive survey was administered to both new and continuing participants in the Spring of 1976. This provided for comparisons across time among continuing participants, and for measuring system characteristics across all participants. Also, a multi-stage sample of continuing participants (16 Developers, 16 Facilitators, 34 adopters) was identified for more thorough study, involving site visits, interviews, observations, file reviews, and a more extensive LEA staff survey (including central administrators, principals, and classroom teachers).

The evaluation model used to address these questions combined the case study approach with process-outcome analysis. Briefly, variables were developed from major evaluation surveys and were analyzed to establish relationships of processes and events (NDN tactics, innovation properties, and LEA characteristics) to outcome patterns. Results were interpreted with respect to how they corroborated or further elucidated descriptions of the NDN processes identified through our observation, interview, and file review procedures.

Table 1 summarizes the main methodological components of the evaluation and identifies the nature, scope, and focus of evaluative information obtained through each component. This table provides an overall sketch of the evaluation design.

Table 1 introduces several new terms and abbreviations which require definition before the table can be interpreted conveniently. "SEA" is an abbreviation for State Education Agency and can also refer to the dissemination unit within the state department of education. The Educational Diffusion Project ("ED"), based at the Far West Laboratory for Educational Research and Development, is the centralized technical assistance component added to the NDN by the Office of Education in July 1975. Site Visit Sample refers to the multi-stage sample of 16 Developers, 16 Facilitators, and 34 adopters connected with these 16 Facilitators and Developers. This sample was drawn from among Cohort I participants so as to be maximally representative of the range of Facilitator and Developer types, and such that at least two adopters were included for each Facilitator and Developer selected. Participants becoming involved during the first formal year of NDN operations (1974-75 school year) are described as Cohort I; those joining after June 30, 1975 are defined as Cohort II.

Table 1

SUMMARY OF EVALUATION METHODS[*]

Methods	Description	Data Base	Primary Evaluation Goals Addressed
OE Program Review	File review of Developer and Facilitator grant applications, interim reports, NDN documents, JDRP; staff interviews	300 source documents 12 program officers	1,4
Status Survey I	Mail-out survey to Cohort I Developers, Facilitators, SEAs, and adopters	44 Developers (79% of 55)[†] 61 Facilitators (79% of 77) 906 LEAs (70% of 1,307)	2,3
Conference Observations	Observation/documentation of national and regional NDN conferences and of local project-specific events (awareness or training)	3 national conferences (100%) 5 regional conferences 12 local conferences	1,3,4
Site Visit Interviews	Interviews with administrators, teachers, pupils and staff at Facilitator, Developer, and adopter sites in the site visit sample	16 Facilitators 16 Developers and their demonstration sites 34 adopters	2,3
Site Visit Implementation/ Observations	Observation ratings and file review of demonstrations and adopter sites in visit sample	16 demonstration sites 34 adopter sites	
Technical Assistance Observation/ Interviews	Review and observation of technical assistance provided by technical assistance contractor (Far West Lab); field interviews of technical assistance (ED) staff	20 visits to ED 2 cluster meetings 6 staff interviews	1,3,4
Spring 1976 Survey NDN Evaluation Survey	Mail-out survey to all Cohort I and II Facilitators, Developers and sample of adopters.	NDN Evaluation Survey 64 Facilitators (83% of 77) 62 Developers (93% of 68) 1045 LEAs (72% of 1,460)	2,3
Site Visit Sub-Survey	In-depth survey of subsample of principals, teachers, and central administrators in interview sites	Site Visit Sub-Survey 149 teachers (64% of 234) 30 principals (77% of 39) 19 central administrators (73% of 26)	
General Literature Review	Review and synthesis of relevant literature in education innovation, dissemination, and change	300 references and documents	1,2,3

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[*] Further described in Volume II of the Final Report.

[†] Numbers in parentheses indicate return rate and number surveyed. For example, 55 Status Survey I forms were sent to 55 Developers; the 44 Developer returns represent a 79% return rate.

Summary of Key Findings

The presentation of findings provided below has been organized in terms of the four evaluation goals described earlier.

1. The NDN Approach

The NDN approach differs in several substantial ways from more conventional approaches to educational dissemination and change. First, the goal or mission of the NDN is to effect widespread adoptions of validated innovations as opposed to simply disseminating information regarding these programs. The targets of the approach are school systems--both public and nonpublic--referred to as adopters. A school system or LEA showing interest in an NDN innovation is a potential adopter, whereas a school system implementing (putting into actual practice) an NDN program is termed an actual adopter. The important thing is that the NDN maintains contact with school systems as they progress from potential to actual adopter status.

Second, the NDN makes use of two categories of change agent--Developers and Facilitators--in accomplishing this mission. The first category--Developer--refers to the change agent who is associated with the development, demonstration, and general implementation assistance for an innovation approved by HEW's Joint Dissemination Review Panel (JDRP) for dissemination. A given Developer in the NDN may be a single individual or a staff of several individuals. The defining characteristic is that Developers are associated with specific innovations.

The roles and responsibilities of Developers can be summarized as follows:

- identify the "core elements" of the program (that is, those features the Developer judges essential to its success)
- develop and make available materials describing the program and materials needed to implement the program
- maintain a demonstration site at which visitors can observe the operating program
- make the final selection of adopters
- conduct training sessions
- define evaluation needs to enable adopters to determine program impacts
- provide follow-up assistance to adopters who have begun implementing the program.

Facilitator, by way of contrast, is the term applied to NDN change agents associated with specific regions, often entire states. Facilitators provide the link between Developers (with their innovations) and local schools, which are the targets of the system. Facilitators, however, do not function as program or technical experts, but rather as process specialists. Their roles and responsibilities are to:

- maintain a library of Developers' program materials
- inform LEAs about the NDN and the programs available for adoption
- assist LEAs in needs assessment activities and help them match local needs and interests with appropriate programs
- develop criteria and procedures for reimbursing school districts for part or all of their adoption expenses
- provide assistance to adopters as needed throughout the adoption process.

Facilitators act to surface potential adopters, to establish organizationl interface between Developers and potential adopters, and to facilitate the adoption process. Facilitators, then, represent a new feature over conventional diffusion systems.

A third distinctive characteristic of the NDN is its current emphasis on practitioner-developed yet externally-validated innovations. NDN innovations do not typically emerge directly from R&D systems (although they may), and the Developer change agent is nearly always the innovator or project originator.

The innovations in the NDN pool are actual operating programs, developed and still in use in public school systems. Included is a broad range of program types, usually with multiple offerings in a given content area. The programs range from those that serve preschoolers to those that serve twelfth grade; several programs also include parent involvement components. The innovations range in complexity from instructional units that can be added to a classroom's ongoing curriculum to organizational arrangements that may affect entire schools or school systems. The majority of the programs include instructional components, emphasizing curriculum content, instructional methods, or both. As such, the innovations are aimed primarily at the teaching staff within the schools. Although a majority focus on basic skills, such specialized areas as environmental studies, physical education, industrial arts, social studies, and the arts are represented. The important point is that NDN innovations tend to be developed by and for practitioners, with the added feature that they have been validated by a high-level quality control mechanism.

This validation mechanism for the identification of Developer innovations to be included in the NDN is the JDRP. Basically, the JDRP reviews programs and products developed with Federal funds and targeted for federally supported dissemination to ensure that claims of effectiveness are backed by sound evidence. The JDRP is not a formal component of the NDN. However, only programs approved by the JDRP are eligible to receive Developer/Demonstrator funds. Ultimately, then, the JDRP functions as a clearinghouse, a legitimizing agency, an indicator of federal educational priorities, a quality control mechanism, and a target criterion for innovators. The full impact of the JDRP on the formulation and ultimate effectiveness of the NDN is not known, but it is believed to be a necessary element for the approach. It is the apex or keystone of the strategy; the "Good Housekeeping" or "Underwriters Laboratory" seal of approval.

Yet another distinctive feature of the NDN is the use of person-intensive change tactics. Whereas most dissemination systems rely on information technology to respond to user needs, the NDN approach instead relies very heavily on interpersonal tactics. Indeed, it is our central thesis that interpersonal or person-intensive components of the NDN constitute its most distinctive feature in terms of its overall effectiveness in producing directed change.

These four distinguishing features--local change as a goal, use of specialized change agents, practitioner orientation of innovation providers, and emphasis on interpersonal tactics to effect change--constitute an overview of the NDN approach as distinct from more conventional dissemination systems.

2. The NDN Diffusion Process--How the Approach Works

An overview of the NDN diffusion process, detailing the sequence of diffusion activities used to effect adoptions, is provided in Table 2. Briefly, the initiation stage includes those activities intended to inform LEAs of the innovations, to build local interest in adoption of one or more programs, and to prepare LEA personnel to undertake implementation, or actual use of the innovation in their schools and classrooms. The third stage, assimilation, is the process by which the innovation loses its "special project" status and becomes a regular part of the school's organization or curriculum. Only the first two stages--initiation and implementation--require active participation by the NDN.

Key findings of the SRI evaluation regarding the NDN processes and their apparent effectiveness are described briefly below.

Initial Awareness

During the 1975-76 school year, initial awareness materials were sent to nearly 12,000 public school districts and over 8,000 nonpublic systems. Awareness materials were nearly always sent to superintendents or central administrators. Other awareness targets, in rank order, were school principals (90%), teachers (73%), central staff (50%), and school boards (25%). Direct mail is the most common medium for the initial awareness campaign, but 60% of the NDN Facilitators report that they routinely use personal follow-up (telephone or visit) tactics.

The overall effectiveness of the NDN initial awareness campaigns in arousing school-level interest is quite high. Requests for additional information were reported from over 9,000 public and 1,800 nonpublic school systems.

Table 2

SUMMARY OF MAJOR CATEGORIES OF NDN DIFFUSION ACTIVITIES

Diffusion Stage/Category of Activities	Nature of Activities
INITIATION	
• Initial Awareness Activities	Facilitator agents use outreach mailings and follow-up contacts to surface potential adopters. Materials mostly limited to brief brochures. Different versions of materials usually sent to different targets (superintendents, principals, teachers, etc).
• Secondary Awareness Activities	Developers coordinate with Facilitators to provide indepth information to potential adopters. Regional and specialized conferencing, education fairs, and demonstrations. Materials more detailed. Visits to Developer site often involved (underwritten by Facilitators).
• Pre-implementation Training	Developers conduct indepth workshops (3-5 days) to prepare key adopter staff to implement. Training often conducted in adopter context. Often adoption agreement required. Training focuses on conceptual basis of innovation. Extensive materials.
IMPLEMENTATION	
• Post-implementation Training	Occasionally in-service training provided to adopters by Developer staff. Assistance in adapting to local setting.
• Follow-up Assistance	Moral support, evaluation assistance, and assessment of implementation conducted by Facilitators and/or Developers.
ASSIMILATION	
• Not part of NDN strategy	Local effects of adoption accrue.

The tactics which, across all innovation types and adtoper characteristics, appear most influential in stimulating interest and subsequent adoption are:

(1) Concise, attractively formatted messages, which are prepared

(2) In multiple versions (segmented)--matched with the interests and organizational status of the recipient, and which are

(3) Transmitted more than once, using different media (mail, telephone, visit) for each contact.

Our study showed that Facilitators were primarily responsible for conducting the initial awareness campaigns but that many Developers have conducted relatively large campaigns on their own.

Secondary Awareness

The diffusion agent's response to interest generated by the initial awareness campaign constitutes the secondary awareness component of the initiation stage. Tactics for this component become more differentiated and complex--tied more to local conditions, adopter needs and interests, and characteristics of the innovations. Some more general findings regarding secondary awareness tactics which most significantly affect adoption patterns are:

(1) The use of awareness conferences, in which interested LEAs get first-hand accounts of details of a collection of Developer programs, and

(2) at which both administrative and instructional representatives of interested LEAs attend, and

(3) for which Facilitators provide enabling funds, particularly for LEA attendance, and

(4) for which Developers provide polished, enthusiastic presentations of their projects, emphasizing both practical and conceptual issues (general cost, requirements, advantages, and less on the actual "how to" detail).

These findings reflect the collective experience gained through conducting secondary awareness activities among nearly 8,000 school systems.

These awareness conferences generally represent the first face-to-face contact potential adopters have with NDN Developers, and the impacts of this encounter constitute perhaps the most decisive single event in the entire process. This is particularly true for the

Developers, as most adopters recall the Developer's presentation as the most compelling event in their decision to adopt.

Even so, for many LEAs a visit to the demonstration site is necessary to secure a commitment. It is not that the LEA learns a great deal technically in this visit, but perhaps the existence of a real-life version of the project described by the Developer--with real teachers, children, materials, and the like--provides the concrete referent necessary to reassure the LEA of the merits of the project and the worthwhileness of an attempted adoption.

Training

Approximately 4,000 school systems have been provided some form of training assistance. As with secondary awareness, training activities involve coordination between Facilitator and Developer agents. However, the role of the Developer becomes even more central here. The characteristics of the training component which appear to be most influential in effecting positive adoption outcomes are:

(1) The provision of at least some in-person training prior to attempts at implementation

(2) delivered by the Developer (or someone on the Developer's staff) with the coordination and support of the Facilitator

(3) with major emphasis on how to and why

(4) with some requirements (such as attendance of certain groups, self-study, provision of release time by the district) on the part of trainees

(5) with provision of complete implementation materials necessary to carry out (implement) the adoption.

Of lesser importance is whether the training is conducted at the adoption site or the Developer's demonstration site (or even somewhere else). Also, formality is not an issue for the more experienced and effective trainers. What appears critical is attendance by key implementing staff (both administrative and instructional) and a professional (thorough, convincing, and enthusiastic) format by the Developer.

Local Commitment

Another element popular in the NDN is the use of formal adoption agreements. The purpose is to secure a commitment on the part of interested LEAs that they seriously intend to attempt an adoption and are not opportunistically seeking travel or release time from school. The evaluation shows this commitment is necessary but that a formal, written agreement will not always insure it. Rather, it seems to be the combination of

Developer enthusiasm and credibility (confidence reflecting knowledge and experience), coupled with the coordinated strategy of the Facilitator to develop administrative concurrence, that develops the commitment from the LEA. There also seems to be some degree of "sixth sense" for detecting commitment that comes about only through experience. At any rate, both the Developers and Facilitators are generally unable to serve all interested LEAs and must use some procedures to sort the genuinely committed from the window shoppers. It is here where the Developer is crucially dependent on information and judgments of the Facilitator; the availability of this information and judgment (in our opinion) represents a distinct advantage of the NDN's specialized change agent strategy.

Implementation Stage

The implementation stage is characterized by efforts of LEA personnel to put their adopted project into actual practice, and by various kinds of further adoption assistance provided by the Developer and Facilitator. Two types of NDN assistance have been identified as relevant to successful implementation:

(1) Post-implementation training

(2) Follow-up assistance.

Our survey of nearly 1,500 adopters indicates that most (93%) claim to be implementing the project they have adopted. However, we note substantial variations in the scale, fidelity, etc., of these implementations; we attribute such variations to two sources: NDN processes and local conditions.

Key NDN Influences

Based on our analysis of all factors, the most successful implementations were those for which:

(1) the Developer project staff provided some direct "inservice" assistance, coupled with extensive and well-articulated adoption materials (both management and instructional) to help the LEA get started, and

(2) provided further assistance in helping the local staff adapt the project to the local context, while retaining the "spirit" or essential features of the innovation, and

(3) provided means or assistance to the LEA in assessing the quality and degree of implementation (i.e., implementation milestones), and

(4) conducted their own formative evaluation based on adopter experiences, to improve the project materials, training procedures, and the effectiveness of their assistance.

This implementation training usually occurs at the LEA site (although it may take place at the Developer site or at some other location arranged by the Facilitator). The most important condition seems to be that some form of inperson assistance is provided.

Attempts at using a "turnkey" approach were successful only if the trainer had considerable experience implementing the project himself/herself. Also, materials--although crucial--do not generally prove adequate alone to effect implementation.

Post-implementation follow-up assistance also appears to be a vital component for well-established adoptions. These later follow-up activities (often occurring a year or more following start-up of the implementation) serve to reassure the LEA of the importance of the adoption, to provide formative feedback both to the adopter and to the NDN change agent (Facilitator or Developer) and, in general, to provide a boost to the LEA. In fact, the post-implementation follow-up visit was overall, the strongest single indicator of implementation success. Those LEAs which received visits were satisfied and successful, whereas those who did not, weren't. (Of course, this could mean Developers and Facilitators visit only their successes.)

Local Conditions

Several key local factors also account for a large share of the success of the NDN. For example, a strong local leader is crucial to a successful operation. Also, a phase-in strategy, beginning with strong or capable and committed staff (opinion leaders) in relatively few schools, provides early success, which then serves as a model to other staff.

Furthermore, the relatively low adoption cost of NDN projects and the practitioner orientation of the innovations make them very attractive to school people. In fact, nine out of ten NDN adopters report that their adoptions address important, locally recognized needs; are working well; cost their district less than $2,000; and represent a clear improvement over previous practices. The LEA satisfaction with adoptions is further evidenced in local personnel's advocacy of their projects to other school people. They become the best salespersons of the innovations.

Finally, we did note a few "oddities" in the patterns of diffusion. For example, a disproportionate number of adoptions occur in rural or suburban schools rather than urban schools. Also, most adoptions start out small--two to three classrooms in several schools (in fact, one third are implemented in a single school). Also, they tend to preschool and elementary grade levels (although the range of grade levels is actually reasonably uniform).

Summary of Key Factors in the Initiation/Implementation Process

In summary, we were impressed by the number and quality of NDN adoptions we documented and by the enthusiasm and support of the LEAs for their adopted projects and for the system that provided them. We can summarize the key NDN process factors as the following:

(1) Thorough, persistent, and appropriately segmented outreach campaigns

(2) Personal follow-up tactics

(3) Early involvement of administrative and instructional decision makers

(4) Coordinated awareness conferences

(5) Interpersonal style of the Developer

(6) Resource/organizational support provided by the Facilitator

(7) Emphasis on local commitment

(8) LEA visit to the demonstration site

(9) Inperson training of key instructional and administrative personnel by the Developer staff

(10) Focus on the "spirit" of the innovation

(11) Emphasis on practitioner change

(12) Well-articulated adoption materials

(13) Phase-in of implementation

(14) Return visits to the adopter by both Facilitator and Developer.

3. Organizational Analysis of the NDN

Our evaluation also focused on the totality of the NDN as an operating program and attempted to analyze its overall strengths and shortcomings toward attainment of its objectives. The basic question was "What are the organizational or structural features which render the NDN effective? How, if at all, might any of them be improved?"

The results of this organizational analysis produced the following conclusions:

(1) The JDRP is key to the success of the NDN. It legitimizes, screens, and provides a basic quality control component to the operation.

(2) The NDN has a collection of solutions for any problem. It does not assert claims for "the" improved practice and thus allows for differences in user interests, local priorities, interpersonal dynamics, etc. More importantly, it provides the user choice, which through NDN participants and processes, becomes informed choice.

(3) The approach supports a novel and effective use of demonstration sites which themselves are somewhat different from university- and laboratory-based demonstration sites. NDN demonstration sites are usually the actual school districts or community setting within which the innovation was developed. Adopters relate to and identify with essential elements of the projects evident in these demonstration sites. Moreover, the NDN provides access (financial support) for LEAs to these sites.

(4) Two specialized change agents are involved (and seem to be necessary and complementary):

- The Facilitator is a process specialist and even may be a third party advocate of the innovation. Still, Facilitator neutrality overall is viewed as essential. Also, Facilitators serve catalyst, broker, and gatekeeping functions.
- The Developer is a school-level expert with a vast and detailed command of a specific project; the genuine expert on a given innovation who relates well to school people, is perceived as credible, knowledgeable, and committed to local improvements and is therefore trusted by LEAs.

(5) Role negotiations are necessary organizationally; the Facilitator is a newcomer to the dissemination program of the Developer. Yet, the Developer has to rely on the Facilitator to arrange adopter contacts. Also, Facilitators must protect Developers from excessive waste. Trust and tradeoffs are necessary, and when effected, operate symbiotically.

(6) The NDN operated as a "temporary system." It therefore had great flexibility, high energy, focused activity, and considerable esprit. Still, some internal organizational difficulties were encountered which are typical to temporary systems and which probably cannot be completely eliminated (cliques, miscommunications, some redundancy, and some wasted or lost efforts).

(7) OE exercised commendable restraint in allowing the NDN flexibility and in minimizing red tape.

(8) Centralized information/activity exchange is being provided to improve mutual awareness, enhance internal communications, provide feedback, and develop further the logistics of the approach.

4. Summary of Policy Recommendations regarding Continuation and Further Support of the NDN.

Our analysis of key policy issues regarding the future operation and support of an NDN-type strategy and our recommendations regarding them follow from our study of the processes and outcomes of the NDN as well as from other recent studies of educational change pertinent to federal dissemination policy. These issues and our recommendations are summarized below:

(1) Continued Federal Support of the NDN

- Continued federal funding for NDN participants is essential, at least in the near future; near total maintenance may be appropriate for at least an additional three years while strategies for gaining greater state (and local) participation and support are explored and developed.
- Maintenance of the JDRP as a national-level validation agency and quality control mechnaism is essential to effective operation of the NDN; likewise, continued federal support of the NDN will sustain the continued influence of the JDRP.
- State support of the NDN should be encouraged; the NDN should be considered a cooperative venture between the federal and state governments.

(2) Incentives for Increased State Participation

- Serious consideration should be given to including state representation in the JDRP, to enable states to assist the federal government in identifying innovations relevant to current educational needs and priorities and to enhance states' commitment to active dissemination of approved projects.

- States should be allowed more involvement and responsibility for the establishment of Facilitator agents; preference should be given to Facilitator projects that are clearly coordinated with the dissemination agencies and interests of their respective state departments of education.

- Attempts to expand the range of educational interests served by the NDN should be continued; types of projects funded for diffusion should be as broadly representative of the range of projects approved by the JDRP as possible.

(3) Developer Funding Policy

- Provision should be made for state input in setting priorities for types of JDRP-approved innovations or exemplary projects to be funded for diffusion through the NDN.

- The JDRP-approved projects funded for diffusion should represent, as nearly as possible, the full range of approved projects.

- Federal funding for individual NDN Developer/Demonstrator projects should be provided for at least three consecutive years, renewable annually based on performance considerations and the availability of funds.

- A fairly high level of federal support to individual Developer/Demonstrators for at least two years, with somewhat reduced support for a third year, should allow Developers sufficient time to refine strategies and materials and to secure alternative sources of support for continued diffusion efforts.

- A rotating replacement schedule, by which new Developer/Demonstrator projects are added each year to replace projects no longer scheduled to receive federal support, would permit inclusion of newly approved projects in the NDN without increasing the overall size of the system to a point where it might become unwieldy.

(4) Facilitator Funding Policy

- Facilitator projects endorsed by their SEAs should be given funding preference over non SEA-endorsed operations.

- States should be encouraged to match federal support for Facilitator projects over the near term and, eventually, to assume total support of Facilitator operations.

(5) Coordination with Other Federal Education Dissemination Programs

- OE should seek to establish procedures (and employ incentives) for coordinating under a single system parallel diffusion activities for all exemplary elementary and secondary innovations.

- NDN program officers should coordinate with the NIE Capacity-Building Program and explore the potential for encouraging cooperative planning between the two efforts at the state level to avoid duplicating efforts and creating rival systems.

- Common and distinct features of the NDN approach (as compared to such NIE programs as the R&D Exchange and the R&D Utilization project) should be identified and examined in future evaluations to enhance the federal government's ability to assist in effecting improvement-oriented change in the educational community.

(6) Administration of the NDN

- Funding and administration of the NDN should be located as high within the Education Division as practicable.

- Low-profile federal management of the NDN has been appropriate and well received, but the knowledge gained over the NDN's first two years should be used in formulating clearer organizational and administrative conventions and procedures.

- An internal governance structure--active in defining participant roles and responsibilities, coordinating the flow of information and materials, and providing participant input to OE--should provide internal leadership and organization without the rigidity or excess of bureaucratic regulations.

- Centralized technical assistance to the NDN should be continued, especially in the area of information exchange; participant input into the scope of work for the assistance contractor is essential to ensuring that assistance provided is in line with perceived needs and priorities.

- Criteria for assessing, documenting, and reporting the status and quality of adoptions should be developed and supplied to all NDN participants to be used in reporting on their activities and outcomes.

(7) Recommended Further Studies

- The roles of materials versus in-person assistance in effecting and sustaining directed change.

- Patterns of secondary diffusion and effects on the integrity of the innovations (line loss).

- Impacts of NDN adoptions in terms of conventional educational outcomes.

- Interface of NDN activities with state education agencies.

- Problems in effecting urban school adoptions.

References

Emrick, J. A. Evaluation of the National Diffusion Network. Volume I: Findings and Recommendations. Menlo Park, California: Stanford Research Institute, May 1977.

Emrick, J. A. & Peterson, S. M. Evaluation of the National Diffusion Network. Volume II: Technical Supplement. Menlo Park, California: Stanford Research Institute, May 1977.

STATEMENT OF DR. JOHN A. EMRICK

Dr. **Emrick**. In contrast to the study Paul just reported on, our study focused on a system that the Office of Education has sponsored and has been associated with in the development of spreading programs that have emerged from the title III and which would now be the title IV-C funds to create these innovative and effective educational practices.

The system or the approach is referred to now as the National Diffusion Network and our recently completed study reports on the findings that were developed over the two years that we have been looking at the system. To help clarify what the system of this National Diffusion Network is, I have prepared this chart. (Chart)

This consists of a collection of programs that have been nominated by government program officers, potential candidates for wide diffusion throughout the country. There is a screening panel called the Joint Dissemination Review Panel consisting of high officials from both the Office of Education and the National Innovative Education. Those that are approved are eligible for broad scale dissemination through this system called the National Diffusion Network.

The network itself is a collection of two kinds of change agents. What are called facilitators generally located with a region, a territory, often a state, a full state, sometimes a territory within a state, and this means there are multiple facitatives within a state. Also developers, the people who created the educational practice which has been approved by the review panel. This serves as a quality control mechanism to screen the candidate program. Those that are in may or may not receive funding.

Now, these two kinds of change agents interact to work within schools, esentially assisting them in the adoption process. It works in an interesting fashion according to the evidence we were able to accumulate.

Basically it works through a gradual three-component process stage. (Chart)

The first component we call initiation. This is an outreach set of activities where the goal is to create awareness in the school districts that might be interested in improving practices or adopting one of these promising programs, and basically the facilitators, those people who represent a collection of schools within a state or a territory within a state, spread information to superintendents, school boards, building principals, teacher associations and the like. They try to make these concise; they try to target the information to the decision makers and try to segment the information so that the kind of material that a principal might need to know is delivered to him, the kind of things a superintendent might need to know and, again, the goal is to create interest and get participation.

Then when schools respond, the network is set up to provide in-person awareness. They have these demonstration sessions that allow school people to interact with the actual developers of these innovations and get some firsthand knowledge of what the thing might really consist of. At this point some commitment is generally secured and if the change agenct decides it looks like an adoption might occur, they may provide funds for the school people to visit the demonstration site that the developer maintains, so there are funds provided in the system for the people who create these innovations to actually maintain the practice in a school system.

This allows other school people to vist and find out firsthand again what is going on.

Then, if it appears there is further interest and the school decides they want to take on this new practice, the network provides for training, actually training the key staff that may be involved in the initial implementation of this new practice. The training may require some adoption agreements on the part of these school people and the developers generally provide the training and they make use of their demonstration site and the facilitators generally provide the money that secures release time for the staff to get the training and so forth. (Chart)

Another characteristic of the approach that begins after the school people try to implement this practice that they have been led into so far is further assistance in the form of post-implementation training by the developers. They provide in-servicing by the school people; they may provide them some additional help in finding out what is going well and what is going wrong with the innovation they are adopting and the innovators themselves learn more about what works and what doesn't work in other schools by watching new school people try out their practices.

Another characteristic we find that is important is the kinds of follow-up moral support. They may come back a year later to see if the school people have in fact stayed with it or are straying from the intended course and have sort of lost the spirit of the essence of the practice and we feel this generally provides moral support and further technical assistance.

The upshot of all this is that the school people have responded very favorably. We have looked at returns from well over a thousand school systems who have become involved in this mechanism, which is nationwide. It is clear that they have high regard for the assistance they have received from this program. It is one of the few programs we have looked at where it is almost a universal positive reaction we get from the people who have been served. They don't perceive the costs to bring in these new practices as very large. As a matter of fact, they concentrate mostly on improving current staff of the adopting school so it doesn't require major expense on the part of the adopting school system. Instead, it seems like they have improvement. It focuses on the kind of innovations Paul described.

They are basically individualized in nature. However, it is a broad range. It is elementary and secondary and cuts across all curriculum types.

Recently the network has broadened its scope to include vocational programs, programs that come out of the Bureau of Education, the handicapped, bilingual programs, Title I programs. In other words, it is a broad-range system now instead of simply being a Title III program or Title IV-C program.

About 9 out of 10 of the people who we surveyed actually claimed to be implementing the projects they became involved with and expect to continue and, furthermore, they seem to be the best spokesmen for the practices they have adopted. They promote them. They are active salespersons for the projects in new schools, so we expect to see quite a bit of further spread. It seems to us it is a fairly politically viable approach because school people are approached on their own level instead of it being a top-down system being mandated. It is practitioners talking to practitioners which makes a lot of sense and the ability to have somebody at your avail seems to be a big difference when schools are trying out something new.

We have recommended the government continue to support this system and I believe it is now part of the OE budget. We have made several suggestions regarding how states might become more involved in supporting the system so there will be a joint Federal/State partnership here. We also suggest some of the other dissemination programs from other bureaus be at least better accommodated by this system.

I think I have taken up as much time as I have planned.

Chairman PERKINS. Thank you very much. Both testimonies have been well presented.

Mr. Howell, we will hear from you now.

[The prepared statement of Mr. Howell follows:]

Statement on
Title IV-C of the Elementary and Secondary Education Act

By

L. M. Howell, Jr.
Administrator, ESEA, Title IV-C Innovation
Florida Department of Education

Before the

Subcommittee on Elementary, Secondary,
and Vocational Education
Committee on Education and Labor
United States House of Representatives

State of Florida
Department of Education
Tallahassee, Florida
Ralph D. Turlington, Commissioner
An equal opportunity employer

Statement on ESEA, Title IV-C
Before the
Subcommittee on Elementary, Secondary and Vocational Education

Mr. Chairman and Members of the Subcommittee:

Initially, I would like to express to you the sincere appreciation of Mr. Ralph T. Turlington, Florida's Commissioner of Education, for your commitment to innovation as evidenced by the funds you continue to provide through ESEA, Title IV-C. These valuable resources enable local school districts to plan, develop, test, and share new and imaginative solutions to persistent student-based problems. For many school districts in Florida, ESEA, Title IV-C provides the only investment capital to stimulate educational change through planned development and demonstration.

Your willingness to consider the problems that States encounter in administering ESEA, Title IV-C, as it is currently enacted, underscores your concern for the health of the program and indicates your willingness to amend the Act if it will better serve its ultimate purpose -- to provide a better program of education for boys and girls in Florida and throughout the Nation.

Unless you are somewhat familiar with the ESEA, Title IV-C program, as it operates in Florida, the problems and concerns which I will express to you today may be misinterpreted. In an attempt to prevent this from occurring, a thumbnail description of Florida's program and its major accomplishments will be presented first so that the problems and concerns may be perceived in their proper context.

A Thumbnail Description of
Florida's ESEA, Title IV-C Program

Program Purposes

(1) To develop and test new solutions to persistent student-based problems;

(2) To share with other schools and districts those solutions that have been certified as successful, efficient, and portable;

(3) To determine, through impact assessment, the success of solutions when used by adopters; and

(4) To promote quality and imagination in educational problem solving.

Investment Philosophy

Florida's investment philosophy is consistent with the letter, spirit, and intent of Title IV, Pt. C-Innovation (P.L. 93-380); its implementing rules and regulations; and the approved operational Program Plan.

(1) The Florida Department of Education views funds provided through ESEA, Title IV-C Innovation as investment capital for improving the future of education. All programs planned, developed, and demonstrated must be aimed at overcoming educational problems which are associated with specific, unmet student needs. The basic concept of Florida's investment philosophy is to produce high-quality, low consumer cost programs for use by educators in Florida and the Nation. This means doing few things well rather than many things superficially so that many people eventually may benefit from any given investment.

(2) The program is competitive in nature. It is designed to draw out the best proposers have to offer. It provides a basis for stimulating and supporting the most promising ideas and plans. It has established criteria for the approval of projects as a basis for competition, and it uses orderly review and approval procedures for the selection of proposals to be supported under the Program Plan.

(3) The program supports projects that are locally initiated, locally administered, and respond to locally identified, persistent student-based needs and problems. This conforms to Florida's commitment to local control of education and also fulfills one of the conditions for educational change: that it must rise out of local concern and be sustained by local commitment.

(4) The State Advisory Council, composed of 17 members, appointed by the State Commissioner of Education, broadly representative of the educational and cultural resources in the State, serves the program as the Board of Investors for the educational community. This body searches out and recommends to the Commissioner those ideas that hold the greatest promise in promoting educational change through planning, development, and demonstration.

(5) The program provides for the issuance of three types of grants to districts:

  (a) Planning Grants. Issued as a result of the competitive proposal process. The planning grant provides districts the resources to prepare a quality plan to solve an educational problem through educational development.

  (b) Development Grants. Issued annually, these grants provide districts up to three years to develop and test solutions to persistent student-based problems. The purpose here is two-fold: to provide a new solution to a persistent educational problem, and to provide a practice worthy of sharing with the educational community.

  (c) Demonstration Grants. Awarded on an annual basis, demonstration grants are designed to promote the adoption of certified educational practices through a demonstration approach.

(6) The program provides a guide for new proposers and manuals for project directors, planners, developers, and demonstrators:

  (a) to design projects which propose solutions to critical student-based problems;

  (b) to produce a precise plan having sufficient specificity of detail for a team of district developers to produce specific products and/or to deliver precise services;

  (c) to implement and coordinate the plan through the use of sound management procedures which provide quality and process controls commensurate with the scope and complexity of the operation. Such management procedures to include but not be limited to:

    (1) regular monitoring of the "vital signs" of a project, significant events and milestones accomplished, work status, production status, evaluation status, budget status, and communication effectiveness;

(2) internal control processes to keep the project on course;

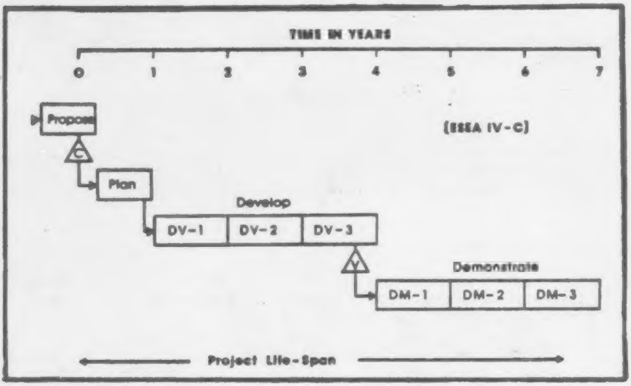
(3) information management; and

(4) communications.

The foregoing policy statements were used to establish the operational parameters for programs and projects to be supported under ESEA, Title IV-C Innovation.

Maximum Life Span of a Project

The funding of an ESEA, Title IV-C Innovation project is based on a project period, scope of work concept. The maximum period that a project can be funded under the ESEA, Title IV-C program is six and one-half years.


TIME IN YEARS
0
1
2
3
4
5
6
7
(ESEA IV-C)
Propose
C
Plan
Develop
DV-1
DV-2
DV-3
Y
Demonstrate
DM-1
DM-2
DM-3
Project Life-Span

1977 Project Grants

	Planning Projects	Development Projects	Demonstration/ Diffusion Projects
Number of Projects (33)	4	14	*15
Average Funding Level	$38,446	$134,470	$93,000

*NOTE: Two of the fifteen Demonstration projects underwent validation successfully recently. Each will initiate the demonstration activities by late summer.

Eight of the projects are located in small rural counties; ten in medium size counties and fifteen in large counties. In addition, there is one statewide facilitator project supported under the USOE National Diffusion Network. Content areas addressed by projects include: basic skills; environmental education; bilingual education; early childhood education; exceptional child education; pupil personnel services; citizenship education; drug education; consumer education; school volunteers; gifted child education; and dropout prevention.

Evaluation Activities - State Advisory Council Evaluation (Statutory Function) - In 1976, 29 projects were visited by 16 members of the State Advisory Council. Each project visited was perceived as providing either an innovative or an exemplary solution to a persistent student-based problem; as having clearly understandable student performance objectives; as displaying a direct, logical, and internally consistent linkage between need, problem, objectives, solution, and evaluation.

The Council members were impressed with the dedication and enthusiasm of the projects' staffs; the positive attitudes of participating students and teachers; the commitments of the districts to the projects and the extent to which parents and the community were involved in project activity.

(In assigning an overall rating to the projects, the Council members rated 64% of the projects they visited as excellent; 33% as good; and 3% as fair.)

Standardized Educational Program Audit (SEPA) - In 1976, 23 development projects were audited by two-member audit teams that were independent of both the project and the Grants Management Unit. The audits covered project management, evaluation, development, and operation. Audit reports were provided to individual projects for making corrections and improvements in project methods. Data analysis revealed problems associated with evaluation and with product development. This information was used in providing technical assistance to projects and in improving technical manuals and procedures.

In 1977, eight development and eleven demonstration projects were audited. The data from the audits are currently undergoing analysis and synthesis, and will be reported to appropriate offices on or before August 31, 1977.

Accomplishment Certification Audit (Validation) - To identify promising ESEA, Title IV-C projects and to verify that such projects are successful, efficient, and portable are the purposes of project validation. To conduct this activity, validation teams are assembled by the USOE from a national pool of trained validators.

In 1976, nine Florida projects in their third year of development were recommended by the State Advisory Council to the State Commissioner to be nominated for validation. For each of the nine nominated projects, the validation activity was conducted on-site. Each project was subsequently validated, and consistent with the Council's recommendations and the Commissioner's concurrence, each project was funded as a Demonstration/Diffusion Center under ESEA, Title IV, Pt. C on October 1, 1976.

In the Summer and Fall of 1977, eight projects in their third year of development will complete the self study for validation, and subject to their formal nomination, the on-site validation activity will be conducted. If the track record holds, six of the eight projects will undergo validation successfully, and with the Commissioner's concurrence, each will be funded for purposes of demonstration.

The following demonstration projects will complete their third year of demonstration under ESEA, Title IV-C in 1977.

> The Pupil Personnel Services Demonstration Project in Pinellas County, Florida, will continue to be supported for purposes of demonstration under the auspices of the National Diffusion Network, USOE.
>
> The Broad Spectrum Environmental Education Program, Brevard County, Florida, has developed a perpetual resupply mechanism to continue to provide project-produced methods and wares to users as long as they are in demand.

Diffusion of Validated Practices (Pay-Off) - As of June 1, 1977, 1,337 schools in 57 school districts in Florida, and 847 schools in 38 states have adopted one or more of the 13 ESEA, Title IV-C validated projects that have been in operation for one or more years.

To measure program impact with greater accuracy, the Office of Educational Innovations has produced and has deployed to the field a standard data collection system to be used by all demonstration projects. First run data should be available by August 1, 1978. On or before October 31, 1978, the data will have been analyzed and results reported to appropriate offices within the Department. At that point, the questions posed concerning program impact can be addressed empirically, policy and management decisions concerning the efficacy of Florida's investment philosophy determined, and if indicated, alternate uses of ESEA, Title IV-C investment capital explored.

A New Program Dimension - In recent years validated solutions to persistent educational problems have become available and mechanisms either have been or are being developed and implemented to share these successful practices and products.

In Florida, provisions have been made under ESEA, Title IV-C to provide consumers with awareness information, demonstration, pre-installation training, and follow-up technical assistance. Even though the installation costs to consumers are usually minimal, they may be beyond the capability of the consumer to provide. In the wings and ready to move center stage is the adopter grant. The intent of the adopter grant would be to earmark a portion of the ESEA, Title IV-C allocation to provide Florida school districts small competitive incentive grants to install the validated practices on a pilot basis.

Comments

Need for Changes in ESEA, Title IV-C Legislation

I. Problem: Maintenance of Effort Requirement

In Florida, there is a state system of public education and computations related to the maintenance of fiscal effort for education can be obtained using established state and district procedures. As such, it can be determined rather easily, if in the aggregate, the maintenance of effort requirement is being met.

In Florida, there is no state system of private education. There are, however, 1,178 basically autonomous private schools from which maintenance of effort information would have to be requested under the provisions of the current law. There is no legal requirement that private schools provide maintenance of effort information to the state. Even if one may assume that only those schools that respond to the request would be eligible to participate in the program, consider the number of mandays and other costs to the state that would be involved in collecting, compiling, computing, and reporting this type fiscal information. In the last analysis, I question seriously whether participation of the private schools in Florida's ESEA, Title IV-C program would be enhanced, significantly, by requiring them to provide maintenance of fiscal effort data.

Recommendation: All maintenance of effort requirements for private schools relative to participation in ESEA, Title IV-C activities be repealed.

II. Problem: Single Application

Because the purposes, procedures, and requirements of Parts B and C are different, the single application poses many administrative problems. In theory, the single application concept would appear to be an excellent idea. In practice, however, it creates, rather than solves problems for both the school districts and the State Educational Agency.

To add to the confusion of the single application, a district must compute maintenance of effort for Part B of the act in one way and in a completely different way for Part C.

To further compound this problem, the consolidated application may result in one grant per year to a district under Part B and also may result in several grants to a district under Part C. As each grant supports a separate project, which may be a complex, multi-year operation, a separate management plan for each grant is necessary to assure proper planning, management, and performance accountability.

Recommendation: The law should be amended to permit separate applications for each proposed program which would result in a grant to a local educational agency under the act.

III. Problem: Annual Program Plan

Under the law, the initial Annual Program Plan should provide an operational structure to enable the State Educational Agency to administer a complex program which is consistent with the state's educational needs and problems, the spirit and intent of the law, and its implementing rules and regulations. The plan should be comprehensive in scope, substantial in content, and should provide sufficient detail so that the State Educational Agency's management and program functions can be performed efficiently and effectively.

One should be reminded, frequently, that the program plan is developed by the State Educational Agency, to be used by the State Educational Agency to administer a complex program, and not just to satisfy a requirement under the act.

In the performance of its statutorily-based functions, the United States Office of Education reviews the Annual Program Plan to assure that it meets the requirements of the law. Once the initial plan is approved by the United States Office of Education, it would be logical to assume that only those sections of the plan to be revised substantially would have to be submitted to the United States Office of Education for review and approval. Such is not the case. Each year, a complete plan must be submitted by the State Educational Agency to the United States Office of Education even though it may be essentially the same plan as the one submitted the previous year.

Recommendation: Following the approval of the initial plan, the State Educational Agency should be required to provide to the United States Office of Education only substantive changes in the plan, and that information required by law to be updated, annually.

IV. Problem: State Advisory Council's Performing Administrative Functions

Florida's State Advisory Council is composed of 17 members, appointed by the State Commissioner of Education. This Council is broadly representative of the educational and cultural resources in the state and of the lay public. It meets the requirements of Section 403(b)(1)(A) of the act, and persons from the State Educational Agency are not included in its membership.

The Department provides technical assistance and support services to the Council in such measure as is needed by the Council to perform its advisory functions. Please be advised that, to date, an excellent working relationship exists between the State Advisory Council and the State Educational Agency. Assuredly, much of the success of Florida's Title IV-C program is attributable to the individual and collective contributions of this very prestigious, dedicated, and industrious body.

If the Council is to serve the program in an advisory capacity, then it should *advise* the State Educational Agency on matters related to the preparation of the Annual Program Plan, in the setting of program policy, and in the establishment of program priorities.

However, it would appear that the wording of Section 403(b)(1)(C) ("evaluate all programs and projects assisted under this title") is an administrative rather than an advisory function. Certainly, the Council should have access to the results of all program and project evaluations conducted by the SEA. This information must be provided if the Council is to perform its *advisory* functions efficiently and effectively. However, the State Educational Agency, rather than the State Advisory Council, should be responsible for the evaluation of programs and projects supported under Title IV. A partnership in policy and performance should be the goal in the relationship between the State Advisory Council and the State Educational Agency.

Recommendations: It is recommended that Sections 403(b)(1)(C) and 403(b)(1)(4) of the act be deleted.

(C) "evaluate all programs and projects assisted under this title"

(4) "Each State advisory council shall be authorized to obtain the services of such professional, technical, and clerical personnel, and to contract for such other services as may be necessary to enable them to carry out their functions under this title, and the Commissioner shall assure that funds sufficient for these purposes are made available to each council from funds available for administration of the State plan."

That Section 403(b)(1)(B) and Section 403(b)(1)(D) be amended to read:

(B) "advise the State educational agency on the preparation of, and policy matters arising in the administration of the State plan, including the development of criteria for the distribution of funds, the approval of applications for assistance under this title, and the evaluation of all programs and projects assisted under this title."

(D) "prepare at least annually and submit through the State educational agency a report of its activities and recommendations together with such additional comments as the State educational agency deems appropriate, to the Commissioner."

V. Problem: Entitlement Under the Act for Program Administration

Under the law, the maximum amount a state can use for purposes of administration is 5%. Using the 5% cap, Florida's 1978 projected entitlement to administer the ESEA, Title IV-C program is $244,979. When this amount is reduced by an indirect cost rate of 20.4% and an annual inflation rate of 8.3%, the State Educational Agency has $174,670 "real dollars" to administer a complex program. Obviously, this amount is inadequate to acquire the human and material resources needed: to perform State Educational Agency functions; to meet the needs of the State Advisory Council; and to provide vital support services and technical assistance to district ESEA, Title IV-C project proposers, planners, developers, and demonstrators.

It should be remembered that funds provided under Part C of the act for strengthening the leadership resources of the State and local educational agencies cannot be used for purposes of program administration.

Recommendation: That the State Educational Agency entitlement to administer the ESEA, Title IV program be increased from 5% to 7½%.

STATEMENT OF L. H. HOWELL, JR.

Mr. Howell. Mr. Chairman and members of the subcommittee, I am L. H. Howell, Jr., from the great state of Florida and I thank you for the opportunity to appear before this committee to provide information concerning Florida's ESEA, Title IV-C program. We, in Florida, are sincerely appreciative of your commitment to innovation as evidened by the funds you continue to provide through ESEA, Title IV-C. For most school districts in Florida, this program provides the only investment capital available to them.

In Florida we perceive ourselves as stewards of the investment capital you have provided. We believe that in the marketplace of ideas only those concepts that hold the greatest promise for educational change through planning, development and demonstration should be funded. We also believe that all programs planned, developed, and demonstrated must be aimed at overcoming educational problems which are associated with specific, unmet student needs. The basic concept of Florida's investment philosophy is to produce high quality, low consumer cost programs for use by educators in Florida and the Nation. This means doing a few things well, rather than many things superficially, so that many people eventually may benefit from any given investment.

To best ensure that the dollars you have provided are invested wisely, each new proposal is reviewed and evaluated by at least 17 professionals both within and outside the department. The reviews, evaluations, and recommendations of the expert readers, with respect to each program, are summarized and presented to the State Advisory Council. This body serves the program as a Board of Investors. The Council searches out and recommends to the State Commissioner of Education those ideas that hold the greatest promise. To date the Commissioner has concurred with the recommendations of the Council.

The efficacy of Florida's investment philosophy is best evidenced by the fact that 90 percent of Florida's development projects undergo successfully the accomplishment certification audit—validation. This audit is conducted on-site by a three member team of nationally trained validators that are independent of both the project and the state.

Once validated, the project moves into the demonstration phase. I think it is important in terms of what the gentleman from the Rand study indicated, that, when it moves into the demonstration phase, a joint partnership develops between the developer district and the title IV-C program. The developer district continues with local and state dollars the operation of the project as it was developed for purposes of demonstration. ESEA title IV-C at that point supports the diffusion function which means alerting the potential consumers to the availability of successful practice, to provide plans for on-site demonstrations so that the potential adopter can come on-site, touch, feel and talk with the users of the program, provide training for the adopter as he begins to install the program in a new situational context; assist in monitoring and providing technical assistance to the adopter so that we have provided services as well as low-cost consumer wares to the potential adopter.

In fact, I think we can best indicate the extent to which the program at least has impacted on the State of Florida. As of June 1, 1977, 1,337 schools in 57 school districts in Florida and 847 schools in 38 states are users of the Title IV-C validated demonstration projects that have been in operation for more than one year. This means that the program has impacted on 85 percent of the districts in the State and 60 percent of the schools. I think this is a good track record and I hope that you will agree with me that Florida is investing its dollars wisely and that the program is making an impact on education in the State and in the Nation.

I don't know whether you wish at this time for me to go into the problems we have experienced in administering the program.

Chairman **Perkins**. Go right ahead.

Mr. **Howell**. Even under the most ideal conditions I suppose the architects of any legislation fail to see many of the problems.

The first problem we have concerns the maintenance of effort. In no way should what I have to say concerning the maintenance of effort requirement and the recommendation I will make be interpreted as discouraging private school participation in the program. In fact, the converse is true.

In Florida, under the leadership of our Commissioner and in conjunction with the private school association regional meetings have been held throughout the State to inform the private sector about Federal programs and to encourage their active participation in the program. In Florida there is a state system of public education and computations related to the maintenance of effort for education can be obtained using established State and district procedures. As such, it can be determined rather easily if in the aggregate the maintenance of effort requirement is being met.

In Florida, however, there is no system of private education. There are, however, 1,178 basically private schools through which maintenance of effort information will have to be requested under the provisions of the current law. There is no legal requirement that private schools provide maintenance of effort information to the State. Even if one may assume that only those schools that respond to the request would be eligible to participate in the program, consider the number of man days and other costs to the State that would be involved in collecting, compiling and reporting the type fiscal information required.

In the last analysis, I question seriously whether participation of the private schools in the ESEA Title IV-C program would be enhanced significantly by requiring them to provide maintenance of effort. In fact, it may serve as a deterrent. The recommendation is that all maintenance of effort requirements for private schools relative to participation in the ESEA Title IV-C activity be repealed.

The second thing concerns a single application. Let me preface my statement again concening single application by assuring the members of the subcommittee that the intent to return to categorical funding is neither implied nor considered desirable.

We feel honestly the single application concept produces confusion at the district level, increases rather than decreases the amount of paperwork required and affects the effective operation of the program at the State and district level. The recommendation would be that the law be amended to permit single application for each proposed program which would result in a grant for a local educational agency under the Act.

There is a problem in terms of the need to provide to the Office of Education annually a complete annual program plan, even though it may be essentially the same plan as submitted the previous year. In a time when everyone is talking about excessive paperwork, this requirement becomes a classic example. Please know that we are not anti-plan. We believe that a State should be required to develop a plan that provides the operational structure to enable the state educational agency to administer a complex program which is consistent with state educational needs and problems in the spirit under the law and implementing rules and regulations. We do believe once the initial plan is approved by the Office of Education, only those sections of the plan to be revised substantially would have to be submitted annually to the Office of Education for review and approval. The recommendation then is, follow the approval of the initial plan for state education agencies.

They should be required to provide to the Office of Education only substantive changes in the plan and that information required by the law. to be updated annually.

The fourth problem centers around the State Advisory Council for the administrative function. The Florida State Advisory Council is composed of 17 members appointed by the State Commissioner of Education. The Council is broadly representative of the educational and cultural resources of the State and the lay public. It meets the requirements of the Act and persons from the State educational agency are not included in its membership.

The department provides technical assistance and support services to the council in such measure as is needed by the council to perform their functions. Please be advised that today an excellent working relationship exists between the State advisory council and the State educational agency.

Assuredly much of the success of the program can be attributed to the contributions of this body. If the council is to serve the program in an advisory capacity, then it should advise the State educational agency on matters related to the preparation of the annual program plan and the setting of program policy and in the establishment of program priorities. However, it would appear that the wording of Section 403(b)(1)(C) evaluate all programs and projects assisted under this title is an administrative rather than an advisory function.

Certainly the council should have access to the results of all programs and project evaluations conducted by the State educational agency. This information must be provided if the council is to perform its function. However, the State, rather than the State advisory council, should be responsible for the evaluation of programs and projects supported under title IV. The recommendation is that it is recommended that section 403(b)(1)(C) and 403 (b)(14) of the Act be deleted and that section 403(b)(1)(B) be amended to read as set forth in the written prepared testimony.

The fifth and final problem concerns the 5 percent allowed under the Act for the State to administer a complex program. Under the law the maximum amount the State can use for purposes of administration is 5 percent. Using the 5 per cent cap, Florida's 1978 projected entitlement to administer the ESEA, Title IV-C program is $244,979. When this amount is reduced by an indirect cost rate of 10.4 percent and an annual inflation rate of 8.3 percent, the State Educational Agency has $174,670 "real dollars" to administer a complex program. Obviously this amount is inadequate to acquire the human and material resources needed to perform State Educational Agency functions, to meet the needs of the State Advisory Council and to provide vital support services and technical assistance to district ESEA, Title IV-C project proposers, planners, developers and demonstrators.

It should be remembered that funds provided under Part C of the Act for strengthening the leadership resources of the state and local educational gencies cannot be used for purposes of program administration or to support State Advisory Council activities.

We recommend that the State Educational Agency entitlement to administer the ESEA Title IV program be increased from 5 percent to 7.5 percent.

Mr. JENNINGS. Mr. McGlohon.

[The prepared testimony of Mr. McGlohon follows:]

Comments on ESEA Title IV
House Subcommittee on Elementary, Secondary, and Vocational Education
Presented by: Reeves McGlohon, NC Department of Public Instruction
Thursday, July 28, 1977

The intent of this testimony on Title IV of the Elementary and Secondary Education Act-Consolidation is to discuss the program in general; to outline what we feel are its strong and weak points; and to offer some suggestions for how it might be improved. We have attempted not to be provincial in these remarks. Numerous contacts and communications with other Title IV administrators have given us what we hope is a broad understanding of Title IV not only in North Carolina but in other states as well.

To totally understand Title IV, we feel that it is necessary to look first at the concept of consolidation itself. The issue is a complex one. The basic purposes of consolidation (simplification, flexibility, reduction in red tape) are worthy ones. However, when one begins to actually combine programs, set priorities, allot funds, and draw up rules and regulations, decision making becomes difficult and original purposes can get lost in the shuffle. Consolidation is theoretically a good notion, but, to be successful, consolidation must carry two attributes: (1) Programs consolidated must have a common thread running through them so that consolidation makes sense, and (2) All categorical restrictions on how funds are to be spent within eligible areas must be removed from the consolidated program.

Title IV does not have a common thread, nor have all the old categorical restrictions been removed. Therefore, implementation of the Title IV program has in some aspects been less than smooth. The problems encountered in ESEA Title IV can, to a large degree, be traced back to the original legislation. The structure of Title IV, and not the effort of individuals on the local, state, and federal levels is the chief reason for the lack of total success in the program thus far. Hopefully, where possible or feasible, Congress will remedy some of the problems contained in the original Title IV legislation.

Before we discuss problem areas, let us discuss a couple of the positive aspects which, in our opinion, should continue to be a part of ESEA Title IV:

Forward funding:

Forward funding aids planning at both the state and local levels. With the advanced notice that forward funding brings, the state education agency can plan for the best utilization of state administration funds, and Title IV-C Strengthening State Agency Leadership money. Local education agencies, even though they do not have exact amounts, have a ball park figure they can expect to receive under Title IV-B far in advance of the actual allocation of funds. This enhances their planning process in the areas of library materials, instructional equipment, and guidance, counseling, and testing services. Furthermore, forward funding increases the quality of competitive projects submitted under Part C of Title IV. Most local education agencies build the conceptual framework for Title IV-C projects far in advance of the state education agency's call for proposals. Knowledge that funds will be available is sufficient incentive for beginning planning efforts, and, in the long run, this early project development results in a higher quality proposal.

Increased flexibility in Title IV-B:

In our opinion, the single most beneficial aspect of ESEA Title IV is the increased local flexibility found in Part B. Local education agency response to this portion of Title IV has been uniformly positive. Local administrators now have the flexibility to spend Part B monies in any of the three authorized areas, and are not restricted to any one area as dictated by the old categorical programs. The temptation for a local education agency to simply divide its Part B allocation equally among the three authorized areas is strong because in many cases individuals who administered the old categorical programs are still employed and demand their fair share. However, a great number of local administrators conduct extensive needs assessments to ascertain how Part B funds might be most helpful to their districts. This increased flexibility means that local districts have a larger pool of money to work with. These larger amounts of money have resulted in projects which are more creative, and hopefully better meet the needs of local school districts.

As we mentioned earlier, certain program areas need to be addressed befor Title IV can reach its full potential. Some of these areas are listed below:

Administrative funds:

State Agencies are hampered in the administration of Title IV by two provisions regarding state administration.

First, the amount of funds available to states for state administration has been drastically reducted from the sum available from former categorical programs included in the consolidation. North Carolina received $417,796 in state administration funds in fiscal year 1975, the last full year under the categorical programs. In fiscal year 1977, the first full year of Title IV consolidation, North Carolina received $336,003 for state administration. Though stated purposes of consolidation were to reduce paper work and simplify administration, the State Agency has found state administration to be more detailed with a greater amount of administrative work. Coordination of the purposes of Title IV alone has created many additional man hours of work. Requirements of the State Advisory Council, which employs a separate staff, create an additional demand for Title IV state administration funds. At the same time the North Carolina Department of Public Instruction is faced with the necessity of terminating personnel in order to operate within the funds available. We recommend that the state administration set aside be increased from 5 percent to 7.5 percent in the new legislation.

The second problem regarding funds for state administration is the mandate that states account for administration funds for Parts B and C separately. If programs are to be truly consolidated, all funds for administration of the consolidated programs should be combined within one accounting system. This provision would allow states the flexibility to use funds more effectively, and it would take into consideration different staffing patterns, priorities, and needs among the states.

Single application requirement:

The single application requirement is a good example of legislation which was enacted with the best of intent but when implemented caused more problems than it solved. The intent of the single application was to reduce the number of applications required under the old categorical programs, and, as a result, the paper work generated by the Title IV program. The number of applications has obviously been reduced, but, in our opinion, the volume of paper work has increased. The single application requirement would work well if Title IV had the common program threads needed to make consolidation work. It does not. Title IV is divided into parts B and C. Part B is a formula based program, while Part C is a competitive grants program which includes a set aside for state education agency leadership. Part B provides for the purchase of materials; equipment; and guidance, counseling, and testing services. Part C provides for education innovation and support; and state and local education agency leadership development. The lack of a common thread and the differing needs of Parts B and C have made the single application requirement unworkable. Due to the different purposes and procedures in Parts B and C we recommend that the law be amended to permit a single application with multiple filings or separate applications for Parts B and C of ESEA Title IV.

Advisory Council:

Advisory councils have been of great value in the responsible operation of many federal programs. The concept is a good one which we feel has been helpful in Title IV. However, the current Title IV legislation has given the state Title IV Advisory Councils responsibilities which fall into the area of program management. We feel that advisory councils should provide the state education agency with a perspective it would not ordinarily have, but that such a council should not be given responsibility in administrative areas. We recommend that all administrative functions, including the evaluation responsibility be deleted from those responsibilities given to the Title IV State Advisory Councils.

Current legislation provides the authority for employment of personnel or contract for services by the Title IV Advisory Councils. We feel that this authority should be repealed for the following reasons: (1) Money for personnel or services comes out of administrative funds which are less than adequate for program operation; and (2) The program is not of sufficient magnitude or complexity to warrant such expenditures.

Non-Public Schools:

The biggest problem facing Title IV administrators in the non-public school area is not how to involve but who to involve. Title IV, as is the case in all federal programs, prohibits involvement of non-public schools which practice discriminatory policies and are out of compliance with the Civil Rights Act of 1964. Determination of eligibility in reference to the Civil Rights Act is left up to the discression of the local education agency. Since the final authority on non-public school compliance with Civil Rights legislation rests in the hands of the Office of Civil Rights, we recommend that provision be made for a required listing of eligible non-public schools to be published by the Office of Civil Rights. Such a listing would remove from local boards of education the burden of determination of non-public school eligibility based on Civil Rights.

Part B formula:

We would suggest two changes in legislation concerning the Title IV-B formula: (1) The term "enrollment" should be changed to "average daily membership" in Section 403 (4). Enrollment in many states is a duplicative count, giving an unfair advantage to areas with a highly transient population. Using average daily membership would be a better measure for distribution of funds under Part B. (2) We recommend dropping the requirement concerning allocation of funds based on tax effort. Information on tax effort is not available in all states, nor is it always relevant due to the varying amounts of state, local, and federal support for education from state to state. In addition, efforts toward equalization will tend to make the local tax effort factor less relevant in the future.

USOE Organization

Though Congress, through Title IV of P.L. 93-380, consolidated seven existing categorical programs, USOE has continued to administer the consolidation through basically the same organizational structure it used to administer the categorical programs. Categorical program administration was scattered through several divisions in two bureaus. States still must deal with several divisions in two bureaus. The annual program plan must go through numerous offices before the plan can be approved. Oftentimes this process requires several weeks before approval is granted. Then, the grant letter must travel the same route before funds can be made available. It is obvious what happens during the summer months when people who must sign the documents take annual leave! We recommend a consolidation of responsibility for administration of Title IV within one division of USOE.

Annual filing of State Plans

The effort involved in preparing the annual program plan for ESEA, Title IV is extensive. A great deal of time, effort, and material goes into the preparation of this document. The FY 78 ESEA Title IV State Plan for North Carolina was almost identical to the FY 77 Plan submitted by the state. It differed in two minor areas. Even so, the plan had to be resubmitted in its entirety. To reduce this unnecessary paperwork, we suggest an amendment to the General Education Provisions Act providing for an initial plan to be submitted and thereafter only amendments or annual updates of that plan.

ESEA Title IV is a new program. It is also an important one. Future consolidation of federal education programs will be predicated on the success of this initial effort. As is the case with most new programs, ESEA Title IV has had its ups and downs. Program administrators at local, state, and federal levels have begun to work out many of the problems found in the consolidation. The program is working well considering it is only in its third year. Legislative changes such as those outlined in previous paragraphs will help administrators realize the full potential of Title IV. Hopefully, we will learn from Title IV, continue to improve the program, and eventually have a model for future consolidations.

STATEMENT OF REEVES McGLOHON

Mr. McGlohon. I am Reeves McGlohon, the Title IV coordinator for the State Department of Public Instruction in North Carolina.

I would like to thank you for the opportunity to come before this group today and to express to you some of our feelings, concerns, some of the things we like very much about Title IV and some of the things we would like to see considered for possible change.

We realize Title IV is a new program and that it is also a very important one in the fact that we feel future consolidations will be predicated on the success of this initial effort.

As is the case with most new programs, Title IV has its ups and downs. The purpose really of our testimony is to talk about what we feel are some of the strong points and some of the weak points and to offer some suggestions for how ESEA Title IV might be improved.

We feel in the beginning that to totally understand Title IV that we need to take a look at consolidation itself. The issue is a complex one and we feel that the basic purposes of consolidation which generally would be classified as simplification, flexibility, or increased flexibility and reduction in red tape, those are worthy purposes. We found in our State that when we began to actually combine or consolidate programs and we began to set priorities to allot funds, to draw up rules and regulations, the decision-making becomes difficult and sometimes the original purposes of the law can get lost in the shuffle.

Theoretically consolidation is a good notion, but we feel to be successful consolidation must carry two attributes: One, the programs consolidated must have a common thread running through them so the consolidation makes sense and, two, that all categorical restrictions on how funds are to be spent within eligible areas must be removed from the consolidated program.

We feel that in general Title IV, although we feel in North Carolina it has been very helpful and very successful, that the problems that are inherent in Title IV may be a result of the structure of the Title IV and not the efforts of individuals on the local, State and Federal level and the implementation of that program.

We hope where posisible or feasible the Congress will remedy some of the problems contained in the original Title IV legislation.

Before I discuss what we think are some problem areas, I would like to talk a little bit about some things we like very much about ESEA Title IV.

First, the forward funding aspect, in the sense it enables us to plan and to utilize the money to a greater degree than would be possible if we did not have forward funding. The State Education Agency can plan the wise use of the administration money and also the wise use especially of strengthening state education leadership money.

In local situations we have found that the quality of our competitive projects under Title IV-C seem to be better in this program than many others and we feel that is because the local units know the money will be available and therefore their planning efforts tend to be more long-range.

The second thing we like very much about ESEA Title IV is the increased flexibility in Title IV-B. In polling our local educational agencies, we feel that this is the single most beneficial aspect of ESEA Title IV. Local education agencies in our state have long been crying for increased flexibility in both State and Federal programs. The increased flexibility in ESEA Title IV generally means that the districts have a larger pool of money to work with within the authorized area.

We feel that these larger amounts of money have resulted in projects which are more creative and hopefully better meet the needs of local school districts and the children that reside therein.

As we mentioned earlier, there are certain program areas we feel need to be addressed before Title IV can reach its full potential. I would like to list some of these areas at this time.

Number one, in the area of administrative funds, we feel the state agencies are hampered in the administration of Title IV by two provisions regarding State administration.

First, the amount of funds available to states for state administration has been drastically reduced from the sum available from former categorical programs which were included under the consolidation.

North Carolina received $417,796 in state administration funds in fiscal year 1975 which was the lsat full year under the categorical programs.

In fiscal year 1977 the first full year of Title IV consolidation, North Carolina received $336,003 for state administration.

We feel that administering the consolidated Title IV is a task certainly equal to that of administering the old categorical programs. We recommend that the state administration set-aside be increased from 5 percent to 7.5 percent in any new legislation.

The second problem regarding funds for State administration is the mandate that States account for administration funds for Parts B and C separately. If the programs are to be truly consolidated, all funds for administration of the consolidated programs should be combined within one accounting system.

The second problem I would like to address would be the single application requirement. The intent of the single application was to reduce the number of applications required under the old categorical programs and hopefully as a result the paperwork generated by Title IV. The number of applications has obviously been reduced. In our opinion the volume of paperwork has remained the same or even increased. The single application requirement would work well if Title IV had the common thread needed to make consolidation work well. The lack of the common thread and differing needs for Parts B and C have made the single application requirement unworkable. Due to the different purposes and procedures in Parts B and C, we recommend that the law be amended to permit a single application with multiple filings or separate aplications for Parts B and C of the ESEA Title IV.

The third area I would like to address would be the Advisory Council for Title IV. Current legislation has given the State Advisory Councils responsibilities which fall under the area of program management. We feel the Advisory Council should provide the State Education Agency with perspective it would ordinarily not have, but that such a council should not be given responsibility in administrative areas. We recommend that all administrative functions, including the evaluation responsibility, be deleted from those responsibilities given to Title IV State Advisory Councils.

Also current legislation provides the authority for employment of personnel or contract for services by Title IV advisory councils. We feel that authority should be repealed for the following reasons:

One, money for personnel services comes out of administrative funds which are currently less than adequate for program operation.

Two, we feel that the program is not of sufficient magnitude or complexity to warrant such expenditures from an advisory council.

The next issue I would like to speak to is the non-public school issue. We feel that the biggest problem facing Title IV administrators in the non-public school area is not how to involve, but who to involve. The determination of eligibility of non-public schools in reference to the Civil Rights Act is left up to the disretion of the local education agency. However, the final authority on non-public school compliance rests in the hands of the Office for Civil Rights. We recommend provisions be made for required listing of eligible non-public schools to be published by the Office for Civil Rights, therefore taking the burden of determination of non-public school eligibility off the local school system and onto the Office of Civil Rights.

I would like to talk about the Part B formula very briefly. We would suggest two changes in the legislation concerning the Title IV-B formula. Number one, we would like to see the term "enrollment" changed to "average daily membership" in Section 403-4. Enrollment in many States, including North Carolina, is a duplicative account giving what we feel is an unfair advantage to those areas with highly transient populations. Using average daily membership would be a better measure for the distribution of funds under Part B.

Secondly, we recommend dropping a requirement concerning allocation of funds based on tax effort. Information on tax effort is not available in all States, nor is it always relevant due to the varying amount of State, local and Federal support for education from State to State.

We would also like to address USOE organization. This Congress, through Title IV of Public Law 93-380, consolidated seven existing categorical programs. USOE continues to administer the consolidation through basically the same organizational structure it used to administer the categorical programs. We recommend the consolidation of responsibility for administration of Title IV within one division of the U.S. Office of Education.

Finally, I would like to talk about the annual filing of program plans or state plan for Title IV. The effort involved in producing one of these plans is extensive.

A great deal of time and effort and material goes into the preparation of the annual document. However, in our case our fiscal year '77 plan and our fiscal year '78 plan vary in only two minor points.

We still had to submit multiple copies of approximtaely an 80-page document. To reduce this unnecessary paperwork we suggest an amendment to the General Education Provisions Act providing for an initial plan to be submitted and thereafter only amendments or annual updates of that plan.

As we said in the beginning, we realize that ESEA, Title IV is a new and important program. Future consolidations will be predicated on the success of this initial effort. We feel that the program is working well considering it is only in its third year.

Legislative changes, such as those that we have outlined in previous paragraphs will help administrators realize the full potential of Title IV. Hopefully we can learn from Title IV and come up with a model which will help us eventually in future consolidation of educational programs.

Thank you very much.

Mr. BUCHANAN. Mr. Chairman.

Chairman PERKINS. We will recognize Mr. Buchanan.

Mr. BUCHANAN. I deeply regret that other responsibilities have kept me out of this very important hearing.

I ask unanimous consent that I might insert into the record at this point the written testimony of Clark D. Williams, who is the Coordinator of ESEA Title IV for the Alabama State Department of Education.

I would note that the problem areas he cites in his written testimony are essentially the same ones cited by his colleagues from Florida and North Carolina.

Chairman PERKINS. Without objection, it is agreed to.

[The prepared statement of Mr. Williams follows:]

WRITTEN TESTIMONY PRESENTED
TO
SUBCOMMITTEE ON ELEMENTARY, SECONDARY
AND VOCATIONAL EDUCATION

ON
JULY 28, 1977

Testimony Submitted By

Clark D. Williams
Coordinator, ESEA, Title IV
Alabama State Department of Education
Montgomery, Alabama

Mr. Chairman, I am Clark D. Williams, Coordinator of ESEA, Title IV in the Alabama State Department of Education. It is a pleasure to have the privilege to give written testimony to this distinguished Subcommittee regarding the renewal and extension to Title IV of the Elementary and Secondary Education Act. The efforts of this Subcommittee in providing quality education for the boys and girls of this Nation are known and praised by the citizenry of these United States.

The consolidation of educational programs to eliminate unnecessary administrative constraints and excessive paperwork is indeed a worthy endeavor. The end result is an improvement in the educational opportunity for the boys and girls of the Nation. We in Alabama feel that the purposes of consolidation have been partially attained through Title IV of the Elementary and Secondary Education Act (as amended by P.L. 93-380).

This past school year was the first year that Title IV has been in full operation. However, preliminary indications are that Title IV is having an impact on the boys and girls. Included among the positive components of Title IV are:

1. Local discretion in Part B. This feature allows the local educational agency personnel to utilize Part B funds to complement local, state, or other federal programs. At the present time, there does not appear to be a set pattern how Part B funds are being divided between the three major purposes of Part B. The pattern varys among the local educational agencies. In many cases the local educational agencies have varied the use of Part B funds from FY 1976 to FY 1977.

2. Less paper work at the State level. The full implementation of ESEA, Title IV has eliminated several Annual Program Plans (previously called State Plans). Instead of an Annual Program Plan for each of the categorial programs we now have only one Annual Program Plan. The consolidation means less reporting since we report on the two parts of Title IV rather than each of the categorical programs.

3. Less paper work at the local level. The full implementation of ESEA, Title IV has eliminated the necessity for several applications from the local educational agencies. While this has been beneficial to an extent, a problem still exists in this area which will be discussed later in this paper. Local reporting requirements have also been minimized.

While we feel that consolidation of certain educational programs under ESEA, Title IV has been very beneficial, we also feel that certain changes would enhance the administration of the programs authorized under the Act. The changes we suggest are as follows:

1. Currently, state departments of education are required to keep separate fiscal accounts for Part B and Part C administrative costs. This means that when the Title IV State Advisory Council meets, we are required to maintain an essentially artificial distinction between Part B and Part C. The Title IV staff members are having to keep time and effort records to verify that their time is being allotted in the same ratio as specified in the approved Annual Program Plan from Part B and Part C funds.

Even when we make copies of the Annual Program Plan for submission to the U. S. Office of Education, we must prorate the printing cost between Part B and Part C. The Act should be amended to allow the consolidation of state administrative costs.

2. The Act requires that the Annual Program Plan provide "that local educational agencies applying for funds under any program under this title shall be required to submit only one application for such funds for any one fiscal year." The state educational agency must: (1) develop a single application format for Part B funds (an entitlement program) and for Part C funds (a discretionary or competitive program); and (2) set a single due date for applications. The diverse nature of Part B and Part C make it impractical to have a single application for these two separate parts. The single application requirement complicates rather than eases administrative constraints. Separate applications should be permitted for Part B (entitlement program) and Part C (competitive program).

3. The Act (as amended by P.L. 94-482) requires "the state, its local educational agencies, and private schools in such State" to maintain their levels of fiscal effort from non-Federal funds for programs having the same purposes as Part B and Part C of Title IV. Maintenance of effort is determined solely by comparing selected expenditures in the preceding year to selected expenditures in the second preceding year. Problems arise due to:

(a) Staff Time -- An unreasonable amount of staff time is necessary to gather data substantiating the selected expenditures. For example, since only the cost of certain types of items may be included in Part B, the total of the invoices under a certain fiscal account number is within itself not sufficient. An item by item analysis of each paid invoice must be made to determine which items to include and which items to exclude.

(b) Time Frame -- Expenditure data for the preceding year is generally not available until November. However, state educational agencies need to be able to make Part B allocations and local educational agencies need to be able to submit applications by July 1. The gap of time between July and November creates an unworkable situtation. In effect States are making Part B allocations and local educational agencies are submitting applications prior to data being available to make a determination as to whether fiscal effort has been maintained.

(c) Responsible Agencies -- Another problem with maintenance of effort is that the State as a whole is held as the responsible entity and not the individual applicant agencies. One local educational agency may cause the entire State to not maintain effort. If a waiver is not granted the State as a whole will be penalized.

(d) Lack of Rules and Regulations -- Public Law 94-482 which was signed into law on October 12, 1976, amended the maintenance of effort provisions in ESEA, Title IV and amended the General Education Provision Act to incorporate provisions to govern maintenance of effort. Indications are that the "Proposed Rules" will not be issued until sometime in November of 1977.

The problem related to maintenance of effort could be eliminated by amending the Act to allow the State, its local educational agencies, and private schools to exhibit maintenance of effort by total expenditures or on a per pupil basis utilizing all current day expenditures from state and local sources. In addition the comparison should be between the second and third preceding years.

4. Basically, the Act requires that the State Advisory Council perform three functions -- advise, evaluate and report. To accomplish these, the State Advisory Council may "obtain services of such professional, technical, and clerical personnel and to contract for such other services as may be necessary to enable them to carry out their function under the title . . ." The State Advisory Council should be advisory only. It should advise the state educational agency on the development of the Annual Program Plan and on matters arising in the administration of the program. The evaluation of "all programs and projects assisted under" Title IV should be a function of the state administrative staff with the advice of the State Advisory Council. The annual report should be developed and submitted to U. S. Office of Education with comments from the State Advisory Council.
5. Local educational agencies may not use Part B funds for administrative purposes either on a direct or indirect cost basis.

Many local educational agencies are experiencing considerable cost in operating the program, especially when several private schools are located within the geographical area served by the local educational agency. Local educational agencies should be allowed to apply their indirect cost rate to the Part B allocation.

6. The Act requires that substantial Part B funds be provided to local educational agencies having "the greatest number or percentages of children whose education imposes a higher than average cost per child." The Title IV Rules and Regulations require that these funds be spent in the schools where these children are enrolled and for the benefit of these children. This requirement limits the discretion of the local educational agency. In addition, it is very difficult to verify compliance with the Regulation, both from the local and State standpoint. The Regulation should be removed.

7. The Act uses such terms as "substantial funds", "substantially greater," and "greatest numbers or percentages" in outlining how Part B funds are to be distributed among local educational agencies. The terms were not defined in the Act or in the Rules and Regulations, yet many states had difficulty getting their Part B formula approved in their Annual Program Plan because U. S. Office of Education personnel refused to accept the definitions proposed by the states with the advice of their State Advisory Councils. The Act should either set parameters for the terms or specifically designate the State as the agency responsible for defining the terms and developing the formula for distribution of funds.

8. We believe that the organization for the administration of ESEA Title IV at the Federal level must be improved by placing the responsibility for the program in one Division. Such an organizational arrangement would help State educational agencies in their administrative work by having only one person to deal with rather than two. Also, we believe the Office of Education would be more responsive to our requests for assistance. Under the current organization of the U.S. Office of Education, Part B is administered by the School Media Resources Branch in the Office of Libraries and Learning Resources, and Part C is administered by the Division of State Educational Assistance Programs. Both units share in the responsibility of administering Part A, the part which sets forth the administrative requirements which State educational agencies must follow. Both of these units are in the Bureau of Elementary and Secondary Education; however, the two units report through separate lines of authority. As long as the two parts of Title IV are separated organizationally within OE, the maximum values of consolidation cannot be obtained by State educational agencies.

What is needed is a single authority over the program at the operational level. While we do not recommend legislation to correct this problem, we do recommend that the Committee provide the Office of Education with strong and direct advice on how the program should be organized to administer a consolidated program.

We in Alabama feel that ESEA, Title IV is furthering the educational opportunity for the boys and girls of Alabama. On behalf of these boys and girls, may I say thank you for the leadership the members of this Subcommittee have exhibited in providing these opportunities.

Chairman PERKINS. Our next witness is Mrs. Bryson from the Colorado Department of Education.

STATEMFNT OF MRS. LINDA D. BRYSON

Mrs. BRYSON. Mr. Chairman, committee members, I am honored and happy that I have been given the opportunity to appear before this committee to discuss a very serious problem.

There is a major concern for a continuing growing problem in our nation, that of students graduating from our public schools illiterate or, in other words, "Why can't Johnny read?" Various explanations are given, such as heredity, environment, televison, monies, changing times, et cetera. In education the blame is passed from one level to the other with the lowest level passing the blame to the community and the home environment. It is time that we, as educators and lawmakers of the United States of America, take a more serious look at the illiteracy in our nation and proceed with concrete strategies to correct this problem.

Our government has appropriated monies through such programs as Right to Read, Title I and Title IV-B and C. These monies allow local education agencies to hire reading and math teachers, guidance counselors and to purchase necessary instructional materials and equipment. With these monies also, school library media centers can be equipped with print and audiovisual materials and equipment. This is great, but there is still a very important missing link, that of the school library-media professional on the building level.

The majority of our high schools and most of the junior high schools have building level school library-media professionals. In 95 percent of our elementary schools, which provide services during the fundamental stages of growth, there are few or no elementary school library-media professionals. There are many elementary schools that have neither media professionals nor media centers in their buildings. Most districts rely on untrained clerical aides, with no experience in the improvement of curriculum or instruction, attempting to administer the elementary school library program. These children are lacking important skills due to the lack of a professional library-media person.

Elementary classroom teachers and reading specialists are involved with reading and math fundamentals and trying to motivate children to read. In most instances, reading fundamentals outweigh the other. It is the elementary school where lifetime habits and attitudes toward reading are developed. These are the years where all children like to read or be read to. This desire to read can be destroyed if reading is only a classroom chore.

A good elementary library-media professional knows how to motivate children to read all kinds of materials beyond their classroom activities. This is when reading becomes enjoyable and good attitude is developed toward reading. The elementary library-media professional knows how to select, evaluate materials, conduct workshops in media production and selection, design curriculum, teach reference skills, give story hours, book talks, character sketches, book reviews and produce instructional materials for instructional programs. Elementary children who do not have the opportunity to receive these services on a daily or weekly basis are lacking reference skills, extended motivation beyond the classroom to read and explore other materials, and an opportunity to become resourceful.

There are those among us that will debate the issue, that the regular classroom teacher can perform the same task as that of the school library-media professional. Unless the classroom teacher has elementary school library-media training, the classroom teachers cannot perform the same duties as a professional library-media person. Would you go to an optician if you need an ophthalmologist?

Some will argue the point of the use of public libraries. The public library is an extension of the school library-media center. Library habits are developed during the school years, not after graduation. Would you know to eat if the brain didn't give a signal that you were hungry?

There are schools without media centers or libray-media professionals that have accumulated instructional materials for classroom use. Without the library-media professional there is no one to administer these materials with the proper skills. Why appropriate instructional materials and equipment if there is going to be poor or no utilization?

Eighty percent of the superintendents in our country feel that the school library-media professional and the school library-media center is something "nice to have" rather than "something we have to have." Most educational administrators do not realize that a successful library-media program is an essential and integral part of the total school instructional program. It is an extension of the classroom activities for both student and teacher. Their activities should be both enrichment and research. Neither activity should be abused but a balance should exist between the two. The school library-media program should be the main center of resource for the total instructional program in the school. Faculty, staff, and students should be aware of its function and all instructional planning should revolve around the school media center.

Though I am a representative from the great State of Colorado, I am a native of North Carolina, and I have travelled throughout the country and through my travels it has documented the fact that some States have planned carefully in the establishment of library-media programs. Their children, consequently, are more resourceful and achieve higher academically than those students that are in other parts of the country that have poor and no school library-media programs. In my own State of Colorado, there are many districts that don't have professional school library-media persons, nor do they have school library-media centers in their schools, especially the elementary schools.

These are the times that school budgets are being cut. This is not new to the elementary school library-media center. Seventy-five percent of the local educational agencies (LEAs) in this nation didn't consider the elementary school library-media center a priority when monies were plentiful for school budgets. Yet we ask, and ask, why your children can't read. We are still putting the cart before the horse by providing materials and equipment but no library-media professionals to conduct a systematic program for the improvement of academic achievement in the basic skills areas. There must be specially trained library-media professionals who can motivate our children to explore and to read all kinds of materials.

As a Title IV-B consultant, I am suggesting the following be given top priority in considering future funding for Title IV-B and C monies.

1. The States should have more flexibility in administering IV-B funds. States should be allowed to conduct their own needs assessments as they look at school districts in their boundaries. Under the current program, all innovative and exemplary library programs must be applied for through Part C. As Colorado looks at its State needs, and those of the Rocky Mountain region, there isn't really a need for so many exemplary programs as there is for monies to get library-media programs off the ground in the sparsely populated and rural areas.

May I add for those of you not familiar with the Rocky Mountain area, we are like a farm belt. They live in rural communities and sparsely populated areas and these are the school districts that have no library-media professionals in their buildings.

Why not allow States the flexibility as enjoyed under Title II ESEA where each district did get an allocation, but additional monies were set aside for special purpose grants. It might also be possible to go a step further, to allow States to set up at their discretion a matching program, wherein the local commitment to library-media services would be necessary before a project involving the development of such a program would be necessary.

a. In order to encourage the development of library-media programs in the State, the restriction on eligibility of items should be widened to include the hiring of professional K-12 library-media personnel. Small districts in rural and sparsely populated areas have only one school, grades K-12. In many instances there are no professional library-media people on the building level.

b. The eligible and ineligible materials list should be given a review. For example, it is very difficult to explain to LEAs why they can buy shelving for audiovisual materials and equipment and cannot purchase shelving for books. This is a bias.

Another example of this is an example that you can purchase a file cabinet for storing audiovisual materials but you cannot purchase a file cabinet if a library-media professional in the building level wants to begin a vertical file. We also feel there is a bias.

2. Whereas ESEA II and NDEA III merged into a fairly satisfactory consolidation in terms of administration, the inclusion of the guidance counseling and testing component of ESEA III was not as compatible. In reality, guidance counseling and testing has not

emerged as successfully as the library learning resources and equipment component in IV-B. Not all districts have received an allocation which allowed much support for guidance counseling and testing due to the nature of this program in comparison with the acquisition of instructional materials/equipment aspect of this program.

It is recommended that guidance counseling and testing be removed from IV-B and administered in a program of its own. If guidance counseling is separated from IV-B, it can take care of the ever-existing problems of establishing and developing guidance counseling programs in our schools, grades K-12, especially in the elementary grades. This is another area in our elementary schools where our people are lacking.

The separation will provide for a more effectively administered program. It is very unfair for the guidance program to have to compete with a materials acquisition program. There is a very important need for guidance counselors in the K-12 program. Separately they can show the importance and need of a good guidance program. Here we have only one guidance person for the State. This is unfair.

We also feel there is a bias here in that personnel can be purchased with the guidance money whereas elementary media professionals cannot be purchased with IV-B money. The guidance consultant shares a secretary with a IV-B consultant. In a separate program, the guidance consultant would be able to acquire staff solely for guidance, thereby making for a more efficient program for the State.

Thank you again for your time and patience during my presentation. I do hope you will see the need and importance for the elementary school library-media professional as an important link to our elementary children developing good attitudes toward reading. Our most important product in this country is our children and to insure them the best education.

Chairman PERKINS. Thank you for your testimony.

I have some questions.

Mr. Berman, you are saying that Federal innovation grants do not seem to result in long-term changes or improvements in education. Since the other witnesses administer these programs at the State level, maybe they could respond to your remarks. I would like to hear some response from everyone.

Mr. MC GLOHON. It is difficult to respond directly without more information about the kind of things we are doing today. We feel in North Carolina that the use of Title IV-B and C monies has made a big impact. There are a great many programs going on in North Carolina which may not be directly associated with the project, but have come about as a spin-off from that project. The dissemination network we feel is working well. The administrators within the State, I think, are sharing more ideas as a result of Title IV-C than they would be if we didn't have that program. I guess I would put out the argument that there are not only direct implications, but there are also side issues which would be in play.

Chairman PERKINS. Would you care to comment?

Mrs. **Bryson**. I am a Title IV-B consultant, but I can't say. In Colorado, the B and C offices work very closely together in that there are various projects coordinated with B and C. And, our consultants, both in B and C, conduct on-site visitations on the projects. The materials are usually purchased with B monies and personnel, support staff and so forth are supplied with IV-C monies where there is a B and C coordination. I do know that in Colorado, if it was not for the implementation of IV-B and C that many of these programs would not exist, not only in the rural areas, but also in the metro areas, in the Denver and Colorado Springs metro area.

Mr. **Howell**. I am not sure the analogy I am going to make is quite sound, but somehow it seems to me if you just bought a farm and were farming for your first year, or first two years and then several years later someone came in and evaluated your performance on the basis of the first two years when you were inept as a farmer, that may produce all sorts of interesting results. Today in Florida, as I mentioned in my testimony, we support only those projects that hold the greatest promise for educational change through planning, development and demonstration. The first six months of a project is given to not developing a program, but to putting together a precise plan for development. This means that the first development planning comes in with an overall development activity for a three-year period and a planned specific for the first year. Over a three-year period a program is developed and tested. If successful, we move into the demonstration phase where we support only the diffusion function.

When we move into the demonstration phase, the local school district actually using local and state dollars continues the operation of the program as it was developed at a demonstration site. In other words, they are actually showing their commitment to the program by saying: "We have produced something that is succcessful and we are willing now to share that," because few benefits accrue to the developing district during the demonstration phase.

Then we have the co-partner of the district, they are provided with awareness information, training, demonstration, technical assistance, monitoring and so forth. I know we have not captured true flight and beauty. I am not saying we have. But I think we are moving toward excellence in terms of wisely using the investment capital you have provided and I think it is making an impact on education in Florida, and I think the nation.

Since I work directly with the National Diffusion Network, and have since its beginning, we are in close partnership with that operation.

Mr. **Emrick**. Our study didn't directly address the issue of continuation. Howver, the evidence we were able to gather from the adopters in their second year showed that, as I reported, 9 out of 10 that we surveyed were in fact continuing with their implementation and evidence was they were gaining or accumulating in the assimilation of the programs in the schools as opposed to declining.

I am not quite sure this is all that relevant to Mr. Berman's conclusion since these actively support the continued implementation, except where there is seed money and such. These are direct changes.

Mr. **Berman**. I agree pretty much with what has been said. Let me clarify my own comments. We began this study a little over four years ago and it was conducted in two phases. In the first phase, we looked at implementation and, as a result of those findings, we recommmended a number of things which have become part of the National Diffusion Network and so on, and people have begun to focus on implementation.

In our experience, in looking at about 300 school districts across the Nation, the first 2 years of the local projects are usually chaotic. It is very difficult, very hard to do, and a lot of projects fail in that period. Some make it. Some are really well done, and the people involved are extraordinary.

We continually underestimate the resources and the extra effort that people put in at the local level. So after about two years or so, this implementation business is taken care of and some projects really don't make it and some do, but during this period they have been supported by Federal moneys for a 3 to 5-year period in the programs we looked at. At the end of that time the district then has to make a decision about the project, about getting resources for the project. In some cases that is unnecessary and teachers, either directly or indirectly, are continuing some aspects of the project.

On the other hand, in many cases, in most cases in the sample we have looked at, the districts have not planned for this longer run problem of keeping those projects afloat.

I would like to give just one example, a brief one. One of my favorite projects—and I have spent a lot of time there—happens to be in California. It is an early childhood development project. It was extraordinarily successful.

Its history is that it started before a Federal grant. It started on district resources and then a Federal grant was used to really solidify it in one school in the district and to spread it to 17 parts in the district. The one school was really the base of the whole operation.

During the period of about 2 years, the other 17 schools had difficulties and about half or so overcame them and were doing quite well. At the end of the 3 year period of Federal grants, what happened in the 17 schools was that the district—and it is an extraordinarily good district, but the district had other priorities at that time and withdrew its resources. Not only its financial resources, but the superintendent's support, principals were transferred and so on, and those projects died.

Now, the original project, the one that had been started before the Federal grant, continued during the period of Federal grant, still exists in that school. It is part of the fabric of that school and it is not going to go away, but that is the record. It is spotty.

What I would like to see, is ways in which the Federal Government could assist in the implementation of projects and in the longer range continuation.

Chairman **Perkins**. I have a question for Dr. Emerick. Do you have any idea what percentage of old Title III or Title IV-C projects are found to be successful enough for dissemination through the network and how does the Office of Education program official decide which ones should be disseminated?

Mr. EMRICK. This is a very complicated area which is not well understood, even by those people who sit on the panel. Unfortunately, it is an area that is going to be a bit of an enigma for some time. I understand your question to address how many of the Title III programs that have been reported have in fact been submitted for approval for active support for dissemination in the system? I can't answer that question.

What I can answer is that of the 250-odd programs that have been submitted for review and approval by the Dissemination Review Panel, approximately half—actually 55 percent—have been approved. The majority of those at this time have been Title III innovations which will now be, of course, Title IV-C innovations under the consolidated act.

The efforts, however, are to broaden the collection of programs so this dissemination network won't simply be viewed as a Title IV network, but rather as an education division network.

If I were to make an estimate, I would guess of the actual funded programs possibly a third to a half have been approved, and considered exemplary.

Chairman PERKINS. For what reason do you feel the adoption of these successful and innovative programs occurs more often in rural and suburban schools as opposed to urban, and what benefits have they brought to the rural schools?

Mr. EMRICK. In part, we suspect rural schools are smaller and organizationally less complex, and decision-making regarding whether or not it can be within the building rather than having to deal with four or five tiers of bureaucracy in an urban school.

We also speculate that with urban schools, it may be in their interest often to consider any adoption as something they developed themselves and therefore the amount of adoption of these innovations in urban schools may be underreported.

The reason the programs seem to be attractive to schools is that they deal with practitioner change, actually advancing the capabiities of teachers. For that reason we suspect there will be sustained effects. That is to say, once you improve the ability of a teacher to instruct children in reading skills and so forth, they are likely to continue that increased capability. You don't need Federal support to maintain that increased capability.

Furthermore, the Federal dollars that are being spent on this system support the spread of the programs. They don't support in a large sense the adoption. That comes out of the local district revenue. It is an interesting program. It is just really supporting a delivery system as opposed to supporting the actual innovation.

I have actually gone beyond your question.

Chairman PERKINS. Let me ask Mr. Howell a question now.

Regarding administrative funds, you mention that you saved only $174,000 for this year. Could you compare that amount to prior years and could you also tell us whether the amount of time needed to administer these consolidated programs is more or less than it was for the old categorical programs prior to 1974?

Mr. HOWELL. Under the old ESEA Title III, as you know, Mr. Chairman, 7.5 percent of the State allocation——

Chairman PERKINS. How did you say that?

Mr. **HOWELL**. Seven and a half percent of the State's allocation was allowed for purposes of State Administration. As we move into the consolidated program, we pull off 5 percent of the total allocation for the States for the purpose of administering the program. Actually it has been reduced rather drastically. I don't believe that with the consolidation the administration of the program either at the State or at the district level has been significantly lessened.

Chairman **PERKINS**. You have been satisfied with the consolidation, I take it?

Mr. **HOWELL**. Yes.

Chairman **PERKINS**. You think we are getting greater results from the funds expended presently?

Mr. **HOWELL**. Yes, I do.

Chairman **PERKINS**. Do you agree with that?

Mr. **McGLOHON**. Yes, Mr. Chairman.

Chairman **PERKINS**. How about yourself?

Mrs. **BRYSON**. We could use more funds. We find there are so many good projects that are innovative and when it comes to the cutoff point the advisory council has a hard time making decisions as to where they are going to cut it off. We can use more funds. The funds of IV-C and IV-B have made a tremendous impact in Colorado and I might also say, Mr. Chairman, that Colorado is ahead of all the other states as far as processing fiscal year 1978 proposals is concerned. We have already done that. We are just waiting for our money.

Chairman **PERKINS**. You are never going to admit that Colorado is going to be behind, are you?

Mrs. **BRYSON**. No.

Chairman **PERKINS**. I can tell that from your testimony.

Let me ask Mr. Berman, do you agree with the statement of the director from Florida that we have saved money under the consolidation, and the effectiveness has not been impaired from the time we consolidated and left the categorical programs?

Mr. **BERMAN**. Let me say, first of all, since this is a relatively new program, I don't think the evidence is all in. It is my impression that generally that is true.

Title IV-C is in the right direction and does give more discretion at the local level which is useful. Generally I believe it is in the right direction. Also, the specific points made as to the problems in the program also seem to me to be correct. We have run into that very often.

Chairman **PERKINS**. Mr. Pressler.

Mr. **PRESSLER**. I have a couple of questions here, Mr. Chairman. I commend the witnesses on their fine testimony.

I would like to know under Part C, what has been the split of funds between rural and urban areas. This is something that can be submitted later if you don't have that. I come from the State of South Dakota in a largely rural district. Also, how does this compare with the population distribution in the states concerned?

Mr. **McGLOHON**. In North Carolina generally our rural areas would be our smaller school districts. Our State Board is very interested in this same particular question and requires us to prepare annually a distribution chart showing how the funds are funded.

We are concerned, as was Congress when they adopted this particular piece of legislation, with making sure smaller school districts were able to compete.

We write into our state plan annually that we will put in priority position the small school districts in our State and they have been able to successfully compete and get what they feel is their fair share of the funds.

Mr. **Howell**. In Florida this current year, we have 33 ongoing projects in various stages of planning, development and demonstration. Eight of the projects are located in small rural counties, ten in medium size counties and 15 in the larger counties. I think that you can see the statements usually made that rural school districts do not actively participate in the ESEA programs; nothing could be further from the truth in Florida because they are very active participants.

Mrs. **Bryson**. In Colorado we are very sparsely populated in the areas close to Nebraska and to Kansas and the southern part of the state, and also the western part. Our western slopes. We have a large number, I would say two-thirds of the projects are rural districts.

Mr. **Pressler**. Under Part C have you made any grants which include Indian education?

Mr. **McGlohon**. No.

Mr. **Howell**. No.

Mr. **Pressler**. What would be the reason for that?

Mr. **Howell**. Actually in Florida we are a reactive program. We react to needed problems that have been identified at the district level. So far no local school districts have seen fit to submit a proposal in the area of Indian education.

Mr. **Pressler**. I suppose they are aware of the program.

Mr. **Howell**. Each year we hold what is called a conference for new proposals and this information is sent throughout the State to all local educational agencies.

At this workshop we go through this with the proposers and opportunities are given them. We have actually had no proposals submitted in this area.

Mr. **Pressler**. How many projects begun under the old Title III—now Title IV-were continued after the termination of Federal money?

Mr. **Howell**. In Florida, 90 percent of the projects that have been funded under old Title III and now IV-C are actually being continued by the district.

Mr. **Pressler**. How about North Carolina?

Mr. **McGlohon**. In North Carolina our best estimate would be about 75 percent, although it is difficult sometimes to tell because the shape of the actual project may change or they may redefine it in that fourth year, but that is a good estimate.

Mr. **Pressler**. How about Colorado?

Mrs. **Bryson**. I would say 85 percent. The ones that have not been continued are the ones who reached their goals within the first three years.

Mr. **Pressler**. If the Part III consolidation appropriations were doubled, what difference would that make to the subject areas and populations being served by the program?

Mr. **McGlohon**. In North Carolina we have a great many projects submitted every year which we feel are quality projects which cannot be funded so it would enable us to fund what we think are all the quality projects although in reality we try to be very careful not to fund projects which are not of sufficient quality.

In other words, just because we have a certain amount of money, if we don't get projects which meet our standards, then we would not fund them, but there are enough to adequately take care of an additional amount of money.

Mrs. **Bryson**. There are cuts of projects we feel are good. We haven't the income and therefore they cannot be funded. There is no one specific subject area. They are included in all areas.

Mr. **Howell**. It is a very difficult question, Mr. Pressler. This is conjecture. If it was the intent of the Congress to double the dollars available for Part C innovation, I would hope that it would be done in increments across time. Actually again I think at least we are attempting to engage in precision and planning development and demonstration and we only support those projects that hold the greatest promise.

To double the amount immediately, I am not really sure what would happen.

Mr. **Pressler**. That is probably true for any Federal program. I wanted to throw that out as a challenging question.

I have completed my questioning. I want to thank the witnesses and will call on Mr. Jack Jennings, who has some questions.

Mr. **Jennings**. If there is no objection from you, Mr. Pressler, could I ask that another study conducted by the Office of Education on innovative programs be included in the record?

Mr. **Pressler**. Yes.

[The document referred to follows:]

Executive Summary

PLANNING/EVALUATION STUDY

IMPACT OF EDUCATIONAL INNOVATION
ON STUDENT PERFORMANCE

BACKGROUND

Educators and noneducators alike have shown a growing awareness of the lack of—and need for—evidence as to whether or not innovative educational practices are indeed better than the more traditional approaches. Nevertheless, there is still the belief among many individuals in the general public as well as among grovernment officials that if schools undergo major change they will somehow do much better. As a result, many efforts continue to be sponsored at the federal and state levels to encourage change, either through the development of new programs or through increased emphasis on the dissemination/diffusion of innovations by educational "change agents." The wholesale adoption of educational innovations, however, is an expensive process and there has been little evidence to suggest that such added costs will necessarily be justified by improved program effectiveness.

In response to the need to investigate the impact of educational innovation, the U. S. Office of Education in 1969 awarded a contract to the American Institutes for Research to develop a design for a study of the effectiveness of intensively innovative educational practices on students in grades 1 through 12. The general emphasis of the resulting Project LONGSTEP (the Longitudinal Study of Educational Practices) was on the identification of changes in student achievement that occur as a result of intensive educational innovation. "Intensive innovation" means the implementation of a new program encompassing a significant proportion of students, entailing a major alteration of schools procedures, and involving a high investment of resources.

Project objectives were to design a system to study the characteristics underlying innovative educational approaches; to establish a large-scale data base of program characteristics and student outcomes for a select sample of educational programs involving intensively innovative education practices; to determine longitudinally the impact of such innovation upon student performance and attitudes; and to attempt to identify the dimensions of the components that exhibited the greatest impact on student outcomes.

METHODOLOGY

The project began with a search for programs emphasizing intensive, innovative educational practices. Through a combination of an extensive literature search, interviews with program staff, outside consultant review, and site visiting, schools located in 13 school districts in California, Florida, Kentucky, Minnesota, Pennsylvania, Texas, Utah, Washington and Wisconsin were selected and became participants during the entire three-year implementation phase (1970-71 1971-72, and 1972-73). Some 30,000 students, 80 schools, and 1,500 teachers were involved in the project during these school years.

Most of the participating educational programs were being supported largely by local funding, though many had their roots in educational research and development activities at least partially funded by the federal government, i.e., Title III of the Elementary and Secondary Education Act (ESEA), ESEA Title I, the Educational Professions Development Act (EPDA), ESEA Title II, ESEA Title VIII, or a combination of these.

THE SAMPLE

The communities served by the school districts ranged from 2,500 to over 600,000 in population, and varied from rural to urban-metropolitan in setting with a notable diversity in socioeconomic level. The reported instructional cost per pupil in the participating school districts varied from a low of $540 to a high of $1,050. The percentage of minority-group students ranged from less than 1 percent to over 30 percent.

Educational innovations included team teaching, multimedia emphasis, unique school design, use of paraprofessionals, variations in scheduling, and teacher-developed materials as well as independent study, student selection of materials, and a number of other practices typically associated with individualized instruction.

DATA COLLECTION

The data-collection instruments used in this study provided information on student performance in reading, language and arithmetic; student characteristics; educational practices; and teacher characteristics. Student cognitive achievement was measured by either of two commercially developed instruments. Student and teacher background characteristics and attitudes were assessed by questionnaires developed specifically for Project LONGSTEP. The Educational Experience Analysis Guide was developed so that complex educational experience could be described and quantified with respect to specific observable characteristics rather than on the basis of various and ambigous terminology This guide was used to document the basic educational attributes of school programs and to locate the educational experiences of participating students on a continuum ranging from traditional to innovative. Information on educational experiences was gathered from interviews with principals and teachers, from classroom observations, and from existing school documentation. This methodology led to the identification of more than 200 different kinds of educational experience groups. A classroom observation instrument documented characteristics such as physical environment, study arrangements, and access to resources, as well as teacher and student activities such as degree of grouping, focus of activities, and use of materials.

AIR staff members typically visited each site for five to eight days three times during a school year. Data were collected for three consecutive school years.

Project LONGSTEP was perhaps the first large-scale, longitudinal study to associate the educational attributes underlying school programs and the characteristics of teachers with only those individual students who were directly exposed to their influence. For sheer quality and complexity of data, this study was unique. Some 3,500 individual items of data could be associated with a single student. Because of the potential of such a large and detailed data base, a series of generalized data files and codebooks have been produced for the U. S. Office of Education so that these data can be made available to other researchers.

DATA ANALYSIS

Project LONGSTEP's data analysis involved overall differences in achievement growth among educational approaches; an educational growth model in which achievement was related to innovative emphasis, number of minutes of instruction per day, pretest, socioeconomic status, and teaching qualifications; a posttest achievement score statistically adjusted for pretest and socioeconomic differences; and the groups of students with similar educational experiences who, on the average, performed either much better or much worse than was expected from their pretest and socioeconomic status.

The analyses reported in Volume I of the Final Report involved only three groups of students: those who started out in 1970-71 in either the first grade, fourth grade, or sixth grade. These groups were selected for initial analysis because their data would permit the examination of educational growth occurring during the primary years, the elementary years, and the transition years from elementary to high school. The analysis was also limited to the relationship between innovation in language arts or mathematics and achievement in reading, language and arithmetic. The primary school measure examined in these analyses was level of innovation, an index derived from selected items on the Educational Experience Analysis Guide. Degree of individualization was a component of this index.

FINDINGS AND CONCLUSIONS

Effect of Innovation and Individualization. No evidence could be found that either of the major instructional variables—level of innovation or degree of individualization—was substantially and positively related to posttest performance. Further, preliminary analyses showed that, on the average, these findings applied equally well to students at different socioeconomic or pretest levels. The expectation that substantial yearly gains in student achievement would occur for a sample of intensive, innovative educational programs was not supported by these findings.

Impact of Schools on Student Achievement. Even though overall project findings showed that dramatic school effects were not associated with intensity of educational innovation, different educational approaches did produce meaningful and important differences in achievement, especially in the early elementary grades. Unusually large gains in reading language, and arithmetic skills, over and above those expected on the basis of pretest and socioeconomic status, were found to occur in some of the participating schools.

Other Findings. Student socioeconomic background and pretest score were not systematically related to the characteristics of educational approaches. The greatest gains in reading, language, and arithmetic achievement occurred in the earlier grades. The magnitude of yearly gains in achievement tended to decrease with each higher grade. For all grades, achievement gains seemed to be slightly larger in arithmetic than in reading and language. Students who exhibited unusually large gains in reading and language achievement during two consecutive school years (grade three) had been exposed to much more class time on these subjects as second graders than were students with a notable lack of growth.

Possible Implications. The findings suggest that increasing the amount of class time per day for language arts, may be a worthwhile strategy to improve student performance and that the greatest payoff may come from a concentration of such efforts in the early elementary grades. Less obvious in the findings is why increased individualization, one aspect of much recent innovation, was not clearly and consistently effective. Possible explanations include the following: differences in degree of teacher involvement; loss of student self-motivation; insensitivity of instruments to informal teacher individualization and innovation; inappropriate matches between educational approaches and student needs.

The single most important and well-documented finding was the lack of either substantial or consistent association between student achievement and overall level of innovation across grades. Nevertheless, the Project LONGSTEP findings should not be viewed as a sweeping criticism of the concepts of innovation or individualization. Instead, they should serve as a reminder to educators, parents, and legislators that educational innovation *per se* will not necessarily produce dramatic effects on student achievement. Educational quality is *not* synonymous with innovation or individualization. Individualization may indeed represent a valuable approach for the improvement of education, but the findings of Project LONGSTEP suggest that as a program strategy it should not be viewed as the final or complete answer.

Mr. **Jennings**. This was labeled "Project Long Step." The net result seems to be they say, too, they could not find any concrete evidence that innovation grants resulted in greater test achievement or resulted in different facets being picked up over the long term on a local level. That finding, according to the study, seems to suggest that possibly a number of these innovative practices are diverting from the prime task of basic skills learning at the local level—that possibly the Federal Government should re-evaluate itself in how much innovative money it is giving out and whether it should not encourage spending more time on the basic skills instead of on these other things.

Mr. Howell, do you have any reaction to that?

Mr. **Howell**. My only reaction would be that many of the projects that are supported in Florida relate directly to the basic skills. The problem areas that have been identified perhaps maybe are in the areas of what you would call basic skills; reading, writing, math, language. Much project activity is directed toward producing new and imaginative solutions to those problems.

If we continue to have the problems continually, it would seem to me that we need to search out new ways of dealing with the problems and it is in this way that I think investment capital does provide the opportunity to attempt to develop new and imaginative solutions to the problem. We do address basic skills. I mean we don't fund projects that are way out on cloud nine. Our projects relate directly to problems that are identified at the district level.

Mr. **Emrick**. Unfortuntaely, the authors of that study aren't here to discuss it. There have been questions on the conclusions of that study.

Mr. **Jennings**. We invited them, I believe, and they were unable to come, but we did want that type of discussion to occur on the record.

Mr. **Howell**. I had questions on that. One was their measurement of the concept innovation and the other was their ability to defend the measures they use for basic skills with respect to what most people understand as basic skills. As you know, the achievement tests have been called into question with regard to their relevance to the curriculum, much of what goes on in schools. One could argue from the evidence presented they have demonstrated their scale of innovation does not relate to test performance, which may suggest they have to revise their scale of innovation.

Mr. **Jennings**. Could I ask you, Dr. Emrick—I will be more than pleased to give you a copy of a summary of the report and to the other witnesses also if you would like to submit any statements for the record you may do so. It is important for the members that they have a discussion of pros and cons on different issues and this is the reason the Chairman requested Mr. Berman be invited, and any of the people who are critical of the innovation program, and that State administrators be invited, and Ms. Bryson, so there could be an interchange on these things.

The members find they learn much more from an interchange of viewpoints than they do from one panel in favor of this and another day a panel in favor of something else.

It would be helpful if you could provide the members with reactions to this type of study.

Mr. JENNINGS. Mr. Berman, you seem to say you couldn't identify too much—you seemed to say two things. One is that if you put Federal money out there local people will do what you ask them to do to get the Federal money, but once the Federal money is gone in these innovation programs that what they have done to get your money seems to disappear also, and you cannot find too many results after that.

You also seem to say that local conditions seem to be a much stronger determinant on what is to continue after the funding and even local conditions determine how the local projects funded by the Federal Government is shaped or reshaped.

My question to you has to be, even if you cannot identify concrete results of a project, would the local people have had an opportunity to try something new if they hadn't had the Federal money? Frequently people tell the committee that the Federal money is the only free money that they can find in their budgets and that so many of the budgets on a local level are tied up with teachers' salaries, bond issues and things like that, and that they cannot find any loose money to try something different.

Mr. BERMAN. Yes, and it is true. I think that undoubtedly the main effect of the Federal program has been to spur innovative activities, which I think are all to the good. I would agree with Mr. Howell on that. What I am concerned with is that we should go to the next step of that. There was a period which I think is coming to a close now of, kind of, a change for the sake of change. I think it is important in the search for new solutions. There seems to be more than the question of getting a specific project for $50,000 per year for 3 years. That is not the same thing as constantly renewing the school district and improving it. I think there has been a major effect of spurring innovation and focusing attention on that and the fruition of that is not here yet.

Mr. JENNINGS. Could you tell the members either right now or in a letter, how you believe the Federal legislation ought to be reshaped in order to achieve that objective?

Mr. BERMAN. That is a big question I would like to respond to it in a letter and submit papers we have written about it.

[The information referred to follows:]

Supplementary Statement to the Subcommittee
on Elementary, Secondary, and Vocational Education
Committee on Education and Labor
U.S. House of Representatives

by

Paul Berman
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Santa Monica, California

August 10, 1977

In July 1973, the U.S. Office of Education awarded a contract to The Rand Corporation to conduct a four-year study of a national sample of educational innovations funded by federal programs. The study's findings were reviewed in both written and oral testimony delivered to the Subcommittee on Elementary, Secondary, and Vocational Education on July 28, 1977. Based on these findings, this testimony offers policy recommendations relevant to the ESEA Title IV Consolidation Programs. The views and conclusions expressed are those of the testimony's authors and should not be interpreted as representing those of The Rand Corporation or any of the agencies sponsoring its research.

SUMMARY OF FINDINGS

Before making policy recommendations, the following three main findings summarize our previous testimony:

1. Federal change agent policies had a major effect in stimulating local districts to undertake projects that were generally consistent with federal categorical guidelines. This local response resulted from the availability of federal funds and, in some programs, from guidelines that encouraged specific educational practices.

   However, school districts often did not or could not carry out the adopted innovations in ways that improved local educational practice. We call this the implementation problem. Moreover, even when school districts overcame implementation difficulties and successfully implemented their projects, they often did not continue them after the end of federal funding. In sum, the net return to the federal investment was the adoption of many innovations, the successful implementation of few, and the long-run effective continuation of still fewer (with the exception of the special case of bilingual projects, where federal and state funding continues to be available).

2. Federal or state assistance (money, technology, or information) to school districts can have only a marginal effect on the short and longrun outcomes of local innovative efforts because such assistance has limited leverage on how successfully local projects are implemented and sustained. Successful educational change required effective local leadership (particularly from principals and project directors), competent and committed teachers, and school district officials with highly developed management skills. Only ambitious and demanding innovations were likely to produce teacher change and longrun improvement in educational practices.
3. Few school districts have the management skills, motivations, and institutional capacity to implement or sustain planned change. To improve educational practices, they need discretionary resources, technical assistance, support for leadership training and staff development, and federal and state guidance to help choose among competing local priorities.

POLICY RECOMMENDATIONS

1. Title IV C provides much needed discretionary funds to school districts for innovative efforts and should be continued. The main effect of federal "seed" money programs has been to stimulate the adoption of local innovations which occurred, in part, because these outside funds were not obligated to pay for existing district operations. Title IV C is one of the few programs that provide school districts with discretionary resources and, more importantly, with a legitimate charter to improve their educational practices. The importance of this program for promoting improvement may increase because of the current trend of relatively tight local financial conditions and declining student enrollments.

The consolidation of innovative programs holds the promise of promoting greater efficiency and flexibility in the use of special project funds at the local level. However, to realize this promise, school districts should be encouraged to "consolidate" the various support activities that accompany special projects. For example, evaluation, planning, staff assistance, and staff training are often conducted for each special project independent of other projects; these services could be delivered more efficiently if LEAs offered consolidated services for all special projects.

2. States should award Title IV C funds to local school districts on a competitive basis but within a framework of targeted federal or state priorities. The competitive aspect of the Title IV C program helps to insure a genuine local interest and effort in a proposed innovative undertaking. There are, however, three disadvantages to a fully competitive system. First, some school districts have become proficient at "grantsmanship," which allows them to win awards opportunistically without a commitment to solving local problems; recommendation 3, below, addresses this difficulty by suggesting a grant system that encourages planning and commitment. Second, a competitive system tends to favor school districts that have more developed management skills and thus are relatively less in need of special project funds. The existing Title IV legislation recognizes this problem and encourages states to make a special effort to reach out to the less competitive LEAs so that they can develop the skills to receive a Title IV C grant. However, the inability of these school districts to compete is often symptomatic of a more general deficiency. They typically lack management skills and staff development capabilities, so that they would have great difficulty implementing improved educational practices even if they were to receive a Title IV C grant. (For these reasons, recommendation 4 suggests a different type of grant to supplement the usual competitive award.)

Third, the local projects awarded under a competitive system may serve neither federal or state priorities, nor even local needs. Assuming that consolidation keeps the reporting, evaluation, and accounting procedures to a minimum, local officials who are really interested in improving educational practice would value categorical provisions in federal or state funds: categorical grants give them a mandate and legitimacy to mobilize support for special needs within their community and school system. Many district officials have told us, for example, that if Title I funds were not earmarked for compensatory purposes, it would be difficult to sustain compensatory programs in the face of powerful pressures within the district for access to those resources. In short, the priorities set by categorical programs can serve to catalyze local (and state) commitment when the local time is ripe.

Therefore, we suggest that a fixed proportion of funds awarded by the states under Title IV C be allocated to targeted areas (e.g., basic skills, drop-out prevention, or early childhood education). Many states currently use this targeted approach, so that the intent of this recommendation is primarily to spread a practice that has proven effective in several states. Because the conditions and problems differ for each state, the fixed proportion as well as the specific categories should be allowed to vary from state to state and should be submitted by the states in their State Plans to the Office of Education for approval and/or adjustment. Such approval would enable OE to exercise a limited leverage on priorities selected by the states.

3. States should key their awards of Title IV C funds to the natural stages of the local innovative process by awarding three types of grants--a planning grant of one year duration, an implementation grant of two to three years duration, and an incorporation grant of two years duration.

Federal change agent programs generally award fixed-term grants regardless of the school district's ability to introduce and sustain the particular innovations represented in their proposals. Yet we observed similar innovations being approached and installed very differently by school districts according to their capacities to innovate. For example, one district attempting to initiate a remedial mathematics project based on Piagetian principals was struggling to operationalize the philosophical principles of the project; another district funded at the same time and at an equivalent level was dealing with the project at a higher developmental level--it had refined the philosophical principles to meet local needs and was in the process of producing classroom materials. When the three-year federal grant ran out, the project participants in the first district had learned to deal with the innovation but the district could not afford to continue it; the other district had used the federal money to begin district-wide dissemination.

These situations are but two of the many cases pointing to the need for a differential funding strategy. Rather than blanket awards for a fixed number of years, states could award grants according to whether a school district is initiating a new project, implementing an already planned project design, or incorporating within the district a project that the district has successfully implemented on a limited, trial basis.

The award to initiate a new project would be a planning grant of one year duration whose purpose would be twofold. One, the planning grant would allow districts to produce a proposal that satisfied a number of state determined criteria (e.g., problem identification, needs assessment, and personnel assignment). Two, it would enable districts to engage in a planning process that encouraged participation from different levels in the local school system. (Research has suggested that such participation may be critical to successful innovations.) If a school district sought a follow-on grant, it would be required to show State Educational Agency (SEA) evaluators that its planning process involved broad participation.

The award for project implementation would provide resources for up to three years for districts to carry out new educational practices. Although this grant would be similar to the present Title IV C award, it would be preceded by the planning grant process, which would allow SEA personnel to provide formative input to LEAs about implementation. Research has shown that the strategies chosen to implement a project can be pivotal for the project's success; SEA personnel could provide useful and tailored advice to local implementors on appropriate strategies.

The need for a project incorporation grant of up to two years arises because financial considerations often limit a school district's ability to sustain or spread even successful innovations after the end of the federal funding period. However, in addition to financial considerations, we found that unless the school district was committed to make the new educational practice a standard part of district operations, the project would eventually fade away, regardless of its past success or staff interest. To help insure the district's commitment, states should (a) require matching grants from LEAs and/or (b) establish on-site visits of SEA personnel prior to the award of an incorporation grant to evaluate district plans and purposes as well as to offer advice.

The above differential funding strategy implies additional administrative costs and increased technical assistance burden for SEAs. To allow the states to fulfill these responsibilities, we recommend that (a) the SEA entitlement to administer Title IV be increased from the present level of 5 percent to 7-1/2 percent and that (b) States be required to allocate up to 2-1/2 percent of their non-administrative Title IV funds to strengthen their leadership resources (as stipulated in Sec. 431) with the percentage commitment in each case to be submitted by the States in their State Plans to the Office of Education for approval and/or adjustment.

4. States should allocate no less than 10 percent of their Title IV C funds to leadership training and staff development activities of local school districts. The Rand study found that innovative projects were not effectively implemented unless (a) they received a high level of leadership from principals and project directors, and (b) the school district engaged in sustained staff training and development activities. The limited success of federal change agent programs can be traced, in part, to uneven and often inadequate local leadership and staff development activities. Despite the importance of these critical factors, LEAs usually cannot justify, to their local constitutents, the allocation of district funds for purposes of improving middle-level management and conducting in-service development for teachers. Federal legislation, under Title IV C, that provided funding for local leadership training and staff development would also help legitimize these activities within

local school systems. Although there is no single "best" approach to leadership training and staff development activities, research suggests that the states should design awards to encourage: (1) regional arrangements where the less competitive districts in an area could draw on the skills of the stronger districts, and (2) the use of peers helping their counterparts (principals, teachers, middle-management, and superintendents) in other districts.

Mr. BERMAN. Let me point to several areas I think are worth consideration.

One is the question of staff development. There have been programs here and there, Federal programs, that have promoted staff development. One of the things about the study is the importance of people in getting things to work. It is obvious at one level and not so obvious at another. Part of the problem is that teachers differ quite a bit in their ability to do new things and to do the same thing better.

In order to do both jobs, that requires a staff development activity, on a continuing basis.

Now, that is not only for teachers, I should add, but this applies for administrators also. I think it is terribly important.

Now, as soon as we begin to think about the implications of a staff development strategy, this takes us somewhat away from a lot of the discussion we have heard today that really has to do with the project orientation. How are we going to get this particular innovation to work? It seems to me both in the short run and in the long run the way any particular innovation works depends on how well the local setting is prepared to do that innovation. It is a learning experience for them, but they need some way to capitalize on that learning experience. What I am suggesting is that Federal legislation ought to consider the possibility of more institutional capacity building, staff development activities and technical assistance, that is not necessarily project-oriented and so on.

I am going over this very quickly, obviously. The main restriction in all of this is that implementation always has to be left to the local people. There is a localism phenomenon here, and the intervention of Federal assistance is limited and always will be, and the question is what are the levers that would allow the limited Federal assistance to build up the system. I am suggesting a slightly different way of thinking of the problem.

Mr. JENNINGS. Let me tell you why it is so important to be precise on recommendations for reshaping this program. This is probably somewhat irrelevant, but I have been in this position for ten years and so I know some of the folklore around this legislation. I have been told by a number of members that when the Elementary and Secondary Education Act came up in 1965 that it had a number of basic purposes. The overriding purpose was to educate the disadantaged through Title I. That was the overwhelming amount of money, the overwhelming emphasis. However, there were subsidiary programs. The first subsidiary program was the Title II program which had as its purpose to provide some benefits for private school children in a constitutional way and also to provide benefits for public school children in the area of library resources. That tied the private school children into the possibility of Federal aid.

The third purpose was to authorize the Title III program which was basically meant to be a supplementary educational services program and some innovation money. The folklore is that that program was meant to appeal to the middle-class so that even though Title I was concentrated on the poor and Title II included private school chidren, Title III could operate in both poor and non-poor areas by having supplementary educational centers where you would have a media center, or you would have some type of center which would benefit all children.

And then, Title V tied in the State Departments of Education by helping them to strengthen themselves. That was the third subsidiary program.

So, those three subsidiary purposes were put in ESEA around Title I partly to build constituencies and partially to meet legitimate needs, but with Title III of ESEA, it seemed once the administrators—once the educators got hold of it it didn't become what its title said, which was a supplementary education center type of thing, but rather became an innovative type of program, so over the years it became an innovation program instead of a supplementary centers program.

Of course, innovation in itself does not have a very strong constituency to support it. I think you found one of the reasons that innovation was consolidated, both in 1970 and in 1974 is that there is not a strong constituency to support it. It is important, I think, that in this new concern, back to the basic skills, and this concern on the part of congressmen and the general public that children are not learning, their scores are going down in schools; that the states and the Federal Government have to do something in order to improve reading scores; that in meeting this new concern, which it seems some congressmen on this committee are going to try to do in this new legislation, they are going to be going toward the basic skills or going towards minimum competency or going toward something to meet their constituents' concerns about the quality of their schools, and innovation is going to be left behind again because of a lack of constituency, but also because of somewhat of a disillusionment that there are too many innovative things coming into the schools without a concentration and with a lessening concentration on basic skills.

So, if innovation grants are to stay in Federal legislation, they ought to be as precisely targeted as possible, because the days of giving out grants hand over fist are pretty much gone, I think, in Federal aid.

Now, you have to be pretty well targeted on where you want to spend your money and how you want to spend it. So it would be very valuable for the record if anybody could provide the committee with information on how one could much more precisely target this innovation money so it results in something over time. Rather than what you seem to say you found, which is that people are willing to run the programs as long as the Federal Government is willing to pay for it, but they are not willing to run them after the Federal money dries up.

Mr. **Berman**. I will be happy to supply written material on that, that is more precise.

Also, I might mention one thing that is happening at the local school district level in those areas across the country, the problem of enrollment decline. Along with the kind of taxpayers' revolt, so that there is a general retrenchment occurring in different parts of the country. It is a fiscal problem. Therefore, in terms of local conditions, the money for innovation is even tighter and discretionary funds are really going to be at a premium. That seems to me even more urgent that Federal legislation does have room for what turns out to be some form of discretionary funds at the local level.

Mr. **Cross**. I would like to follow up on a couple of questions. Mr. Howell, I think you mentioned an indirect cost of 24.4 percent, is that correct?

Mr. **Howell**. Yes.

Mr. **Cross**. What does that buy you?

Mr. **Howell**. The indirect is not something which goes into the Department of Education budget, but it is something to handle all of those activities that go on within State agencies. Such things as accounting and all of these other things. I really don't know what it included in determining an indirect cost rate, but this actually goes to support the management or the administration of Federal programs.

Mr. **Cross**. Are all Federal programs administered by the department charged at that same rate?

Mr. **Howell**. Each year the Department of Education works with the Office of Education. They provide them information and an indirect cost rate is determined. One that seems to be acceptable to the Office of Education. Local school districts then work with States and they have an indirect cost rate also. It is applied to projects.

Mr. **Cross**. Do you have any idea what the range of that indirect cost is locally?

Mr. **Howell**. Possibly from 7 percent to 12 or 13 percent. It varies annually.

Mr. **Cross**. Do you set a maximum?

Mr. **Howell**. I have absoultely nothing to do with it. This is something that is done by the Comptroller's Office, and the Department of Education, and the Department of Administration.

Mr. **Cross**. What if the district came in with an indirect cost rate of 30 percent?

Mr. **Howell**. If a district came in with an indirect cost rate of 30 percent, I have an idea it would be turned down. They have to substantiate to the Department of Education as the Department of Education does to the Office of Education, that this is a realistic rate to be applied.

I am not involved in how the indirect cost rate is determined and all of the ingredients and factors and invariables.

Mr. **Cross**. Could I ask you about your indirect costs?

Mr. **McGlohon**. I don't know. We have a rate established with the Office of Education.

Mrs. Bryson. It is established the same way in Colorado.

Mr. McGlohon. Not in North Carolina; not with the State agency. They would establish their own indirect.

Mr. Cross. I wonder if I could ask both of you to check into that?

Mrs. Bryson. Yes.

Mr. Cross. You have talked about the III-C programs and how well they have worked out. Would you favor taking special projects out and putting that money under the state agencies and having each of the state agencies administer that money for things like metric education, environmental education and that sort of thing?

Mr. Howell. It sounds like it would make sense.

Mr. McGlohon. It would depend on the restrictions put on the money and the amounts of money.

Mr. Cross. This is under the assumption there would be more money?

Mrs. Bryson. You have to keep in mind that in our country you have some states that are regulatory and some that are non-regulatory as far as education is concerned, and I feel if it was put in the State department and administered in that way that would be the best feasible aspect for it

Mr. Cross. Mr. Berman, you said your study included bilingual education.

Mr. Berman. Yes.

Mr. Cross. Have you found any difference with respect to Title III?

Mr. Berman. The main difference in terms of continuation, sir, is that bilingual education is built of constituencies both locally and in Congress and it has refunded most of the projects that were originally supposed to be for a 5-year period, so there is no continuation question. It is moving toward the situation I think comparable with Title I where there are funds flowing into local school districts for that purpose, for bilingual purposes.

Mr. Cross. How about your findings with respect to materials?

Mr. Berman. We went into this two different times. One was in 1974 and one was in 1976. In 1974 most bilingual projects we looked at were experiencing considerable difficulty. They had difficuty with materials, the correct model to use and so on. There was a long list. Of all the programs they had the most difficult implementation problems, and they were the least successful in terms of changing teachers, in terms of achieving their own goals.

On the other hand, they were the projects most continued in getting the Federal and State support that has come in. The expectation was to continue them because a local constituency had been built up.

The problems in terms of implementation, of just getting projects going, has been up in the last few years, but there are serious conflicts at the local level about the exact nature.

Recently the Office of Civil Rights has been enforcing the Lou Nichols decision and this has caused a peculiar set of problems and so on in that program.

Aside from the political considerations at the local level, which are terribly important for understanding how the program works, if we can somehow take that a little bit out of the picture, then I would say the findings are no different from Title III in terms of implementing. The continuation is much more like Title I.

Mr. **Cross**. You raise something which I think is a very interesting point, the success being due to constituency.

Under IV-C, is there any generalization that can be drawn about the continuation of a program aimed at population rather than a program aimed at an educational innovation?

Mr. **Berman**. I hope my friends don't disagree with this, but it has been my experience that categorical type programs are really helpful at the local level. I am not talking about the strings attached to them, but the very fact of them. I think this is true of Title I, and I think it is true of bilingual and of the special categorical targets. There is a certain legitimacy given at the local level for a special education project, for example, or a disadvantaged project.

In the local political circumstances school boards sometimes have a hard time doing things unless there is a special label to it.

A Federal or State grant often helps them to do things that they wouldn't do otherwise because of the political priorities.

I think that is a terribly important effect, and the dilemma in a policy sense is how do you have this targeting and still not put so many strings to it that you really cut down on the flexibility in application at the local level? That is the dilemma.

Mr. **Cross**. Thank you.

Mr. Emrick, when was your report submitted to OE?

Mr. **Emrick**. May of this year.

Mr. **Cross**. Do you know whether there has been any specific reaction in terms of implementing some of the recommendations which you addressed to OE?

Mr. **Emrick**. To the extent that we suggested the scope of programs included within the dissemination network be expanded to avoid parochialism, there does seem to be some action or movement in this direction. The extent that we recommended the guidelines or operating procedures for participants in the network could be made more explicit. This has been done. Some of the recent guidelines that appeared in the Federal Register and were involved in the requests for proposals for future contractors that would act as dissemination agents seemed to reflect some of the conclusions we had drawn as to how it would improve it.

The program does suffer, I think, from a more modest base of support. We believe it might operate more effectively if they had 10 or 15 percent more than they actually have now in dollars. We wouldn't see a reason at this point for a massive scale escalation of funding.

Mr. **Cross**. They are receiving about $7 million now.

Mr. **Emrick**. About $7 million and it would probably be better off if they were funded at about $10 million.

Mr. **Cross**. Congressman Quie has some concerns with respect to the JDRP, the Dissemination Review Panel, with respect to whether or not they are looking at all facets of the success of the program or whether they are just looking at the gains.

Such things as Dr. Berman's study and the one done by AAR point significantly to the fact that there are other elements there you cannot measure.

It may mean you are putting into the system programs that look attractive on the record but once they get out there the chances of replicating them are so small because you can't replicate the leadership; you can't replicate the local problem that causes the program to be born.

Mr. **Emrick**. That is a very good question. AERP, as we understand it, does not have explicit effectiveness criteria. It operates more as a mechanism to ensure that a program that is being presented by the Office of Education or the Education Division Program Officer in fact can deliver what it claims it is going to deliver. We suspect that the criteria vary, both over time and within content areas from project to project. Emphasis on strict gain scores hasn't seemed to characerize many of the programs that have achieved approval. Many of these are programs designed to effect organizational changes in schools which wouldn't have an immediate impact on the pupil scores. We see programs designed for pre-school, or very early childhood, which don't have a measurable thing in terms of traditional basic skills. They have no measurable consequences.

Mr. **Cross**. Do you think the approval process is more political than scientific?

Mr. **Emrick**. I expect the political process affects it, but I wouldn't say it dominates it. I think it is really quality control in the sense of making sure whatever claims are made in fact can be supported.

With regard to the fidelity of implementation, one of the interesting assumptions that this system seems to make is that the developer of a given exemplary practice is probably the best capable or best suited to transfer it to another school system for other potential users.

What we saw happening was these developers or innovators would work with the most competent staff in an adopting school and it would be phased in. They would start with people who were fairly well aligned philosophically and were fairly competent and they could serve as a model to other staff so it would actually work its way in.

Many of the people we visited with and interviewed were very enthusiastic and thought they were actually learning. It is sort of a program-improvement kind of phenomena they seem to be experiencing.

Mr. **Howell**. I think there is some sort of concept. There is a joint dissemination review panel that deals with the quality control mechanism as well as the national IVD process. We employed onsite teams of trained validators. This is an activitiy that involves aproximately 2.5 days. If in fact the project successfully undergoes validation, it is established at the demonstration center in Florida. However, that doesn't necessarily mean that the project is approved by the Joint Dissemination Review Panel. Both of them actually have similar purposes and goals, but they seem to be divergent in terms of each going on doing its own thing rather than hoping at some time there will be conversions so it won't be necessary to undergo a duplication process in order to have a project entered into the National Diffusion Network.

Mr. CROSS. You say the JDRP is the key to the Diffusion Network and they have now validated something like 180 different projects as I remember from the previous testimony.

I think there is a concern about how many projects a system can actually handle before that—you had an earlier chart that referred to awareness, as I recall, that it was making the people at the local level aware.

I would suspect from the local district level, if somebody had 10 or 15 models to work with or if they had a special area of education, that is probably enough to give them some ideas. If you have 100 or 200, it reaches the point where you can't identify individual projects because of all that mass of information that is up there.

What are your views with respect to how effective and what the capacity of the system really is?

Mr. EMRICK. There are several parts of the question. Part of the effectiveness of this system depends on how well these people who call themselves "facilitators" can operate as brokers, or direct local schools to a kind of program relevant to their needs. It isn't a true cafeteria in that you present 180 different menu items. The programs that are catalogued, of course, are available to anybody, but those that the Office of Education is supporting now I think are 60 or 70 in number. Those fall into seven or eight major educational categories ranging from adult education—vocational education, to pre-school. There are about 16 basic skills programs, but this in fact may be too many.

What I am trying to get at is that these people actually do a lot of focusing for locals. They do a lot of matching things. You have a need for improving reading skills, language arts performance or something of that sort. Here are four or five different programs that might be relevant. We think you will probably do best with this one. We even suggest a program the local school can pursue.

We were concerned about this question of quantity versus quality and we have suggested that the program consider very carefully what it attempts to do rather than simply try to flood these schools in the country with all kinds of new practices and simply concentrate on trying to effect high quality implementation of relatively few of these innovations in selected schools that show the greatest need and that might serve as models for subsequent school systems.

Mr. CROSS. The other thing we are concerned about is dissemination in general. Obviously the NDN is one part of that. The NIE is the other part of it.

You said you are the NDN person in Florida. I wonder if you have seen any indication that people at the local level are confused about the number of dissemination efforts, and what could be done to bring those things together to make them work a little better?

Mr. EMRICK. From our experience, the local people interpret whatever confusion they see as intentional. That is the way they perceive it. They actually do not recognize necessarily a difference between these two kinds of change agents we have identified.

This is a highly active provider-driven kind of system. These are programs that have been designateed as important to spread, a lot of need money has been invested developing them; the attempt is to make them diffused to as many possible users as can be done within the scope of the funds available in the time. It differs, for example, from some, as I understand the NIE programs that are trying to develop the capabilities, where there is a lack of willingness to respond to the constituents, or provide a better linkage between the R&D organizations and what schools might be able to use the outcome from the R&D organizations.

It is a very active and highly directive approach, whereas the others are more reactive.

Mr. CROSS. Thank you.

Mr. JENNINGS. That is all I have.

Again, let me apologize for the chaotic scheduling today, but it has been like this for the last several weeks with Congress getting ready to recess.

The Chairman was telling me earlier he thought it was a very good exchange of opinions today and that your statements were all very fine so it does look like the Members at least have a good hearing record.

Thank you all for coming.

[Whereupon, at 11:45 a.m., the subcommittee was adjourned.]

[Appendix material follows:]

APPENDIX

Appendix 1

P.L. 93-380

88 Stat. 535

TITLE IV—CONSOLIDATION OF CERTAIN EDUCATION PROGRAMS

CONSOLIDATION OF LIBRARY AND LEARNING RESOURCES, EDUCATIONAL INNOVATION, AND SUPPORT PROGRAMS

[illegible] Stat. 33[illegible]
79 Stat. 44.
20 USC 331.

SEC. 401. Title IV of the Elementary and Secondary Education Act of 1965, is amended to read as follows:

"TITLE IV—LIBRARIES, LEARNING RESOURCES, EDUCATIONAL INNOVATION, AND SUPPORT

"PART A—GENERAL PROVISIONS

"AUTHORIZATION OF APPROPRIATIONS

20 USC 1801.

"SEC. 401. (a)(1) Subject to the provisions of paragraph (2), there is authorized to be appropriated the sum of $395,000,000 for obligation by the Commissioner during the fiscal year ending June 30, 1976, and such sums as may be necessary for obligation by the Commissioner during each of the two succeeding fiscal years, for the purpose of making grants under part B (Libraries and Learning Resources) of this title.

"(2) No funds are authorized to be appropriated under this subsection for obligation by the Commissioner during any fiscal year unless—

"(A)(i) aggregate amount which would be appropriated under this subsection is at least equal to the aggregate amount appropriated for obligation by the Commissioner during the preceding fiscal year in which part B was in effect, or

"(ii) in the case of appropriations under this subsection for the first fiscal year in which part B is effective, such amount is at least equal to the aggregate amount appropriated for obligation by the Commissioner for the fiscal year ending June 30, 1974, or for the preceding fiscal year, whichever is higher, under title II and so much of title III as relates to testing, guidance, and counseling of this Act, and under title III (except for section 305) of the National Defense Education Act of 1958, and

79 Stat. 36.
20 USC 821.
84 Stat. 130.
20 USC 841.
72 Stat. 1588.
20 USC 441.

"(B) the sums appropriated pursuant to this subsection are included in an Act making appropriations for the fiscal year prior to the fiscal year in which such sums will be obligated, and are made available for expenditure prior to the beginning of such fiscal year.

"(b)(1) Subject to the provisions of paragraph (2), there is authorized to be appropriated the sum of $350,000,000 for obligation by the Commissioner during the fiscal year ending June 30, 1976, and such sums as may be necessary for obligation by the Commissioner during each of the two succeeding fiscal years, for the purpose of making grants under part C (Educational Innovation and Support) of this title.

"(2) No funds are authorized to be appropriated under this subsection for obligation by the Commissioner during any fiscal year unless—

"(A)(i) the aggregate amount which would be appropriated under this subsection is at least equal to the aggregate amount appropriated for obligation by the Commissioner during the preceding fiscal year in which part C was in effect, or

"(ii) in the case of appropriations under this subsection for the first fiscal year in which part C is effective, such amount is at least equal to the aggregate amount appropriated for obligation by the Commissioner for fiscal year ending June 30, 1974, or for the preceding fiscal year, whichever is higher, under title III (except for programs of testing, guidance, and counseling), title V, and sections 807 and 808 of this Act, and

84 Stat. 130.
20 USC 841.

"(B) the sums appropriated pursuant to this subsection are included in an Act making appropriations for the fiscal year prior to the fiscal year in which such sums will be obligated, and are made available for expenditure prior to the beginning of such fiscal year.

79 Stat. 47;
81 Stat. 816;
84 Stat. 153.
20 USC 561,
887, 888.

"(c)(1) In the first fiscal year in which appropriations are made pursuant to part B, 50 per centum of the funds so appropriated shall be available to the States to carry out part B of this title. The remainder of such funds shall be available to the States and shall be allotted to the States, or to the Commissioner, as the case may be, in such year, pursuant to title II and so much of title III as relates to testing, guidance, and counseling under this Act, and under title III (except for section 305) of the National Defense Education Act of 1958, for each such program in an amount which bears the same ratio to such remainder as the amount appropriated for each such program for the fiscal year ending June 30, 1974, or for the fiscal year preceding the fiscal year for which the determination is made, whichever is higher, bears to the aggregate of such appropriated amounts. The amounts made available under the second sentence of this paragraph shall be subject to the provisions of law governing each such program.

Post, p. 543.

"(2) In the first fiscal year in which appropriations are made pursuant to part C, 50 per centum of the funds so appropriated shall be available to carry out part C of this title. The remainder of such funds shall be available to the States and shall be allotted to the States, or to the Commissioner, as the case may be, in such year, pursuant to title III (except for programs of testing, guidance, and counseling), title V, and sections 807 and 808 of this Act, for each such program in an amount which bears the same ratio to such remainder as the amount appropriated for each such program for the fiscal year ending June 30, 1974, or for the fiscal year preceding the fiscal year for which the determination is made, whichever is higher, bears to the aggregate of such appropriated amounts. The amount made available under the second sentence of this paragraph shall be subject to the provisions of law governing each such program.

84 Stat. 130.
20 USC 841.
79 Stat. 47;
81 Stat. 816;
84 Stat. 153.
20 USC 861,
887, 888.

P.L. 94-482

90 Stat 2200

20 USC 1801.

Sec. 328. Section 401 of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new subsection:

Appropriation authorization.

"(d) There are authorized to be appropriated for obligation by the Commissioner during the fiscal year ending September 30, 1978, such sums as may be necessary for the purpose of increasing the allotment under section 402(a)(2) for that year to any State to a level of funding which equals the amounts of funds received by that State for the fiscal year ending June 30, 1974, for programs under title II, title III, title V, and sections 807 and 808 of this Act, and title III (except for section 305) of the National Defense Education Act of 1958.".

20 USC 1802.

20 USC 821,
841, 861, 887,
887a.

"ALLOTMENT TO THE STATES

Appropriation.
20 USC 1802.

"Sec. 402. (a)(1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph amounts equal to not more than 1 per centum of each of the amounts appropriated for such year under subsections (a) or (b), or both, of section 401. The Commissioner shall allot each of the amounts appropriated pursuant to this paragraph among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under part B or part C, or both, of this title. In addition, for each fiscal year he shall allot from each of such amounts to (A) the Secretary of the Interior the amounts necessary for the programs authorized by each such part for children and teachers in elementary and secondary schools operated for Indian children by the Department of the Interior, and (B) the Secretary of Defense the amounts necessary for the programs authorized by each such part for children and teachers in the overseas dependents schools of the Department of Defense. The terms upon which payment for such purposes shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

Ante, p. 535.

Post, pp. 542, 543.

"(2) From the amounts appropriated to carry out part B or part C, or both, of this title for any fiscal year pursuant to subsections (a) and (b) of section 401, the Commissioner shall allot to each State from each such amount an amount which bears the same ratio to such amount as the number of children aged five to seventeen, inclusive, in the State bears to the number of such children in all the States. For the purposes of this subsection, the term 'State' shall not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. The number of children aged five to seventeen, inclusive, in a State and in all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"State."

Reallotment.

"(b) The amount of any State's allotment under subsection (a) for any fiscal year to carry out part B or C which the Commissioner determines will not be required for such fiscal year to carry out such part shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amounts reallotted to a State under this subsection during a year from funds appropriated pursuant to section 401 shall be deemed a part of its allotment under subsection (a) for such year.

Ante, p. 535.

"STATE PLANS

"Sec. 403 (a) Any State which desires to receive grants under this title shall establish an advisory council as provided by subsection (b) and shall submit to the Commissioner a State plan, in such detail as the Commissioner deems necessary, which—

Advisory council.
Total allotment.
20 USC 1803.

"(1) designates the State educational agency as the State agency which shall, either directly or through arrangements with other State or local public agencies, act as the sole agency for the administration of the State plan;

"(2) sets forth a program under which funds paid to the State from its allotments under section 402 will be expended solely for the programs and purposes authorized by parts B and C of this title, and for administration of the State plan;

Ante, p. 537.

"(3) provides assurances that the requirements of section 406 (relating to the participation of pupils and teachers in nonpublic elementary and secondary schools) will be met, or certifies that such requirements cannot legally be met in such State;

Post, p. 542, 543.
Post, p. 541.

"(4) provides assurances that (A) funds such agency receives from appropriations made under section 401(a) will be distributed among local educational agencies according to the enrollments in public and nonpublic schools within the school districts of such agencies, except that substantial funds will be provided to (i) local educational agencies whose tax effort for education is substantially greater than the State average tax effort for education, but whose per pupil expenditure (excluding payments made under title I of this Act) is no greater than the average per pupil expenditure in the State, and (ii) local educational agencies which have the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as children from low-income families, children living in sparsely populated areas, and children from families in which English is not the dominant language; and (B) funds such agency receives from appropriations made under section 401(b) will be distributed among local educational agencies on an equitable basis recognizing the competitive nature of the grantmaking except that the State educational agency shall provide assistance in formulating proposals and in operating programs to local educational agencies which are less able to compete due to small size or lack of local financial resources; and the State plan shall set forth the specific criteria the State educational agency has developed and will apply to meet the requirements of this paragraph;

79 Stat. 1219.
20 USC 1001.

"(5) provides that each local educational agency will be given complete discretion (subject to the provisions of section 406) in determining how the funds it receives from appropriations made under section 401(a) will be divided among the various programs described in section 421, except that, in the first year in which appropriations are made pursuant to part B, each local educational agency will be given complete discretion with respect to 50 per centum of the funds appropriated for that part attributable to that local educational agency;

Post, p. 542.

Program evaluation.

"(6) provides for the adoption of effective procedures (A) for an evaluation by the State advisory council, at least annually, of the effectiveness of the programs and projects assisted under the State plan, (B) for the appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects, and (C) for the adoption, where appropriate, of promising educational practices developed through innovative programs supported under part C;

Post, p. 543.

"(7) provides that local educational agencies applying for funds under any program under this title shall be required to submit only one application for such funds for any one fiscal year;

"(8) provides—

Ante, p. 535.

"(A) that, of the funds the State receives under section 401 for the first fiscal year for which such funds are available, such agency will use for administration of the State plan not to exceed whichever is greater (i) 5 per centum of the amount so received ($50,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), excluding any part of such amount used for purposes of section 431(a)(3), or (ii) the amount it received for the fiscal year ending June 30, 1973, for administration of the programs referred to in sections 421(b) and 431(b), and that the remainder of such funds shall be made available to local educational agencies to be used for the purposes of parts B and C, respectively; and that, of the funds the State receives under section 401 for fiscal years thereafter, it will use for administration of the State plan not to exceed whichever is greater (i) 5 per centum of the amount so received ($50,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), excluding any part of such amount used for purposes of section 431(a)(3), or (ii) $225,000, and that the remainder of such funds shall be made available to local educational agencies to be used for purposes of parts B and C, respectively,

Post, p. 543.

Post, p. 542.

"(B) that not less than 15 per centum of the amount received pursuant to section 401(b) in any fiscal year (not including any amount used for purposes of section 431(a)(3)) shall be used for special programs or projects for the education of children with specific learning disabilities and handicapped children, and

"(C) that not more than the greater of (i) 15 per centum of the amount which such State receives pursuant to section 401(b) in any fiscal year, or (ii) the amount available by appropriation to such State in the fiscal year ending June 30, 1973, for purposes covered by section 431(a)(3), shall be used for purposes of section 431(a)(3) (relating to strengthening State and local educational agencies);

Facilities, accessibility to handicapped persons.

"(9) provides assurances that in the case of any project for the repair, remodeling, or construction of facilities, that the facilities shall be accessible to and usable by handicapped persons;

"(10) sets forth policies and procedures which give satisfactory assurance that Federal funds made available under this title for any fiscal year will not be commingled with State funds; and

"(11) gives satisfactory assurance that the aggregate amount to be expended by the State and its local educational agencies from funds derived from non-Federal sources for programs described in section 421(a) for a fiscal year will not be less than the amount so expended for the preceding fiscal year.

Post, p. 542.

(3) Section 403(a)(11) of such Act is amended to read as follows:

20 USC 1803.

PL 94 482

"(11) gives satisfactory assurance that the aggregate amount to be expended per student or the aggregate expenditure by the State, its local educational agencies, and private schools in such State from funds derived from non-Federal sources for programs described in section 421(a) and section 431(a) for the pre-

90 Stat. 2217

20 USC 1821, 1831.

ceding fiscal year were not less than the amount per student expended or the aggregate expenditure for the second preceding year.".

90 Stat 2218

"(b)(1) The State advisory council, established pursuant to subsection (a), shall—

Membership.

"(A) be appointed by the State educational agency or as otherwise provided by State law and be broadly representative of the cultural and educational resources of the State (as defined in section 432) and of the public, including persons representative of—

Post, p. 544.

"(i) public and private elementary and secondary schools,

"(ii) institutions of higher education, and

"(iii) fields of professional competence in dealing with children needing special education because of physical or mental handicaps, specific learning disabilities, severe educational disadvantage, and limited English-speaking ability or because they are gifted or talented, and of professional competence in guidance and counseling;

Duties.

"(B) advise the State educational agency on the preparation of, and policy matters arising in the administration of, the State plan, including the development of criteria for the distribution of funds and the approval of applications for assistance under this title;

"(C) evaluate all programs and projects assisted under this title; and

Report to Commissioner.

"(D) prepare at least annually and submit through the State educational agency a report of its activities, recommendations, and evaluations, together with such additional comments as the State educational agency deems appropriate, to the Commissioner.

"(2) Not less than ninety days prior to the beginning of any fiscal year for which funds will be available for carrying out this title, each State shall certify the establishment of, and membership of (including the name of the person designated as Chairman), its State advisory council to the Commissioner.

Meetings.

"(3) Each State advisory council shall meet within thirty days after certification has been accepted by the Commissioner and establish the time, place, and manner of its future meetings, except that such council shall have not less than one public meeting each year at which the public is given an opportunity to express views concerning the administration and operation of this title.

Personnel.

"(4) Each State advisory council shall be authorized to obtain the services of such professional, technical, and clerical personnel, and to contract for such other services as may be necessary to enable them to carry out their functions under this title, and the Commissioner shall assure that funds sufficient for these purposes are made available to each council from funds available for administration of the State plan.

State plan approval.

"(c) The Commissioner shall approve any State plan and any modification thereof which complies with the provisions of subsections (a) and (b) of this section.

"ADMINISTRATION OF STATE PLANS

Hearing; notice. 20 USC 1804.

"Sec. 404. The Commissioner shall not finally disapprove any State plan submitted under this title, or any modification thereof, without first affording the State educational agency reasonable notice and opportunity for a hearing.

"PAYMENTS TO STATES

20 USC 1805. Ante, p. 537. Post, pp. 542, 543.

"Sec. 405. From the amounts allotted to each State under section 402 for carrying out the programs authorized by parts B and C, respectively, the Commissioner shall pay to that State an amount equal to the amount expended by the State in carrying out its State plan (after withholding any amount necessary pursuant to section 406(f)).

"PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS

20 USC 1806.

"Sec. 406. (a) To the extent consistent with the number of children in the school district of a local educational agency (which is a recipient of funds under this title or which serves the area in which a program or project assisted under this title is located) who are enrolled in private nonprofit elementary and secondary schools, such agency, after consultation with the appropriate private school officials, shall provide for the benefit of such children in such schools secular, neutral, and nonideological services, materials, and equipment including the repair, minor remodeling, or construction of public school facilities as may be necessary for their provision (consistent with subsection (c) of this section), or, if such services, materials, and equipment are not feasible or necessary in one or more such private schools as determined by the local educational agency after consultation with the appropriate private school officials, shall provide such other arrangements as will assure equitable participation of such children in the purposes and benefits of this title.

Equal expenditures.

"(b) Expenditures for programs pursuant to subsection (a) shall be equal (consistent with the number of children to be served) to expenditures for programs for children enrolled in the public schools of the local educational agency, taking into account the needs of the individual children and other factors (pursuant to criteria supplied by the Commissioner) which relate to such expenditures, and when funds available to a local educational agency under this title are used to concentrate programs or projects on a particular group, attendance area, or grade or age level, children enrolled in private schools who are included within the group, attendance areas, or grade or age level selected for such concentration shall, after consultation with the appropriate private school officials, be assured equitable participation in the purposes and benefits of such programs or projects.

Administration.

"(c)(1) The control of funds provided under this title and title to materials, equipment, and property repaired, remodeled, or constructed therewith shall be in a public agency for the uses and purposes provided in this title, and a public agency shall administer such funds and property.

"(2) The provision of services pursuant to this section shall be provided by employees of a public agency or through contract by such public agency with a person, an association, agency, or corporation who or which in the provision of such services is independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this title shall not be commingled with State or local funds.

Waiver.

"(d) If a State is prohibited by law from providing for the participation in programs of children enrolled in private elementary and secondary schools, as required by this section, the Commissioner may waive such requirement and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

"(e) If the Commissioner determines that a State or a local educational agency has substantially failed to provide for the participation on an equitable basis of children enrolled in private elementary and secondary schools as required by this section, he shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

L 94-482 20 USC 1806.

SEC. 324. Section 406(e) of the Elementary and Secondary Education Act of 1965 is amended by inserting after "he" the following, "may waive such requirements and". 90 Stat. 2220

"(f) When the Commissioner arranges for services pursuant to this section, he shall, after consultation with the appropriate public and private school officials, pay the cost of such services from the appropriate allotment of the State under this title.

"(g)(1) The Commissioner shall not take any final action under this section until he has afforded the State educational agency and local educational agency affected by such action at least sixty days notice of his proposed action and an opportunity for a hearing with respect thereto on the record.

"(2) If a State or local educational agency is dissatisfied with the Commissioner's final action after a hearing under subparagraph (A) of this paragraph, it may within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

Petition for review.

Transmittal copy to Commissioner.

72 Stat. 941; 80 Stat. 1323.

"(3) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

Fact findings, modification.

"(4) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.".

Jurisdiction.

62 Stat. 928.

"PART B—LIBRARIES AND LEARNING RESOURCES

"PROGRAMS AUTHORIZED

"SEC. 421. (a) The Commissioner shall carry out a program for making grants to the States (pursuant to State plans approved under section 403)—

Grants to States.
20 USC 1821.

"(1) for the acquisition of school library resources, textbooks, and other printed and published instructional materials for the use of children and teachers in public and private elementary and secondary schools;

"(2) for the acquisition of instructional equipment (including laboratory and other special equipment, including audio-visual materials and equipment suitable for use in providing education in academic subjects) for use by children and teachers in elementary and secondary schools, and for minor remodeling of laboratory or other space used by such schools for such equipment; and

"(3) for (A) a program of testing students in the elementary and secondary schools, (B) programs of counseling and guidance services for students at the appropriate levels in elementary and secondary schools designed (i) to advise students of courses of study best suited to their ability, aptitude, and skills, (ii) to advise students with respect to their decisions as to the type of educational program they should pursue, the vocation they should train for and enter, and the job opportunities in the various fields, and (iii) to encourage students to complete their secondary school education, take the necessary courses for admission to postsecondary institutions suitable for their occupational or academic needs, and enter such institutions, and such programs may include short-term sessions for persons engaged in guidance and counseling in elementary and secondary schools, and (C) programs, projects, and leadership activities designed to expand and strengthen counseling and guidance services in elementary and secondary schools.

79 Stat. 36.
20 USC 821.
84 Stat. 130.
20 USC 841.
72 Stat. 1580.
20 USC 441.

"(b) It is the purpose of this part to combine within a single authorization, subject to the modifications imposed by the provisions and requirements of this title, the programs authorized by title II and so much of title III as relates to testing, counseling, and guidance, of this Act, and title III (except for section 305 thereof) of the National Defense Education Act of 1958, and funds appropriated to carry out this part must be used only for the same purposes and for the funding of the same types of programs authorized under those provisions.

"PART C—EDUCATIONAL INNOVATION AND SUPPORT

"PROGRAMS AUTHORIZED

Grants to States.
20 USC 1831.
Ante, p. 538.

"SEC. 431. (a) The Commissioner shall carry out a program for making grants to the States (pursuant to State plans approved under section 403)—

"(1) for supplementary educational centers and services to stimulate and assist in the provision of vitally needed educational services (including preschool education, special education, compensatory education, vocational education, education of gifted and talented children, and dual enrollment programs) not available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary elementary and secondary school programs (including the remodeling, lease, or construction of necessary facilities) to serve as models for regular school programs;

"(2) for the support of demonstration projects by local educational agencies or private educational organizations designed to improve nutrition and health services in public and private elementary and secondary schools serving areas with high concentrations of children from low-income families and such projects may include payment of the cost of (A) coordinating nutrition and health service resources in the areas to be served by a project, (B) providing supplemental health, mental health, nutritional, and food services to children from low-income families when the resources for such services available to the applicant from other sources are inadequate to meet the needs of such children, (C) nutrition and health programs designed to train professional and other school personnel to provide nutrition and health services in a manner which meets the needs of children from low-income families for such services, and (D) the evaluation of projects assisted with respect to their effectiveness in improving school nutrition and health services for such children;

"(3) for strengthening the leadership resources of State and local educational agencies, and for assisting those agencies in the establishment and improvement of programs to identify and meet educational needs of States and of local school districts; and

"(4) for making arrangements with local educational agencies for the carrying out by such agencies in schools which (A) are located in urban or rural areas, (B) have a high percentage of children from low-income families, and (C) have a high percentage of such children who do not complete their secondary school education, of demonstration projects involving the use of innovative methods, systems, materials, or programs which show promise of reducing the number of such children who do not complete their secondary school education.

"(b) It is the purpose of this part to combine within a single authorization, subject to the modifications imposed by the provisions and requirements of this title, the programs authorized by title III (except for programs of testing, counseling, and guidance) and title V, and sections 807 and 808 of this Act, and funds appropriated to carry out this part must be used only for the same purposes and for the funding of the same types of programs authorized under those provisions. 20 USC 841, 861, 887, 888.

"USE OF CULTURAL AND EDUCATIONAL RESOURCES

"Sec. 432. Programs or projects supported pursuant to this part (other than those described in section 431(a)(3)) shall involve in the planning and carrying out thereof the participation of persons broadly representative of the cultural and educational resources of the area to be served. The term 'cultural and educational resources' includes State educational agencies, local educational agencies, private nonprofit elementary and secondary schools, institutions of higher education, public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, educational radio and television, and other cultural and educational resources." 20 USC 1832. "Cultural and educational resources."

federal register

TUESDAY, NOVEMBER 18, 1975

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PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

■

OFFICE OF EDUCATION

Libraries and Learning Resources: Educational Innovation and Support

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

LIBRARIES AND LEARNING RESOURCES; EDUCATION INNOVATION AND SUPPORT

Final Regulations

Notice of proposed rulemaking was published in the FEDERAL REGISTER on March 12, 1975 (40 FR 11686) which set forth regulations for Title IV of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 1801 et seq.), added by section 401 of Pub. L. 93-380. The notice of proposed rulemaking also proposed to revise § 100c.1 of 45 CFR.

Title IV of the Elementary and Secondary Education Act (hereinafter referred to as ESEA) provides for the consolidation of certain education programs into two parts, B and C. Part B consists of the programs authorized by Title II of the ESEA (school library resources, textbooks, and other instructions materials), so much of Title III of ESEA as relates to testing, counseling, and guidance, and Title III (except for section 305 thereof) of the National Defense Education Act of 1958 (financial assistance for strengthening instruction in academic subjects). Part C consists of Title III (except for programs of testing, counseling, and guidance) of ESEA (supplementary educational centers and services), Title V of ESEA (strengthening State and local educational agencies), section 807 of ESEA (dropout prevention), and section 808 of ESEA (demonstration projects to improve school nutrition and health services for children of low-income families). Under Title IV, State, educational agencies are required to submit an annual program plan under which subgrants are made by the State to local educational agencies. The statute provides for the participation of children from nonprofit private schools.

It should be noted that the District of Columbia and Puerto Rico are not presently eligible for Title IV grant funds. A technical amendment to the Education Amendments of 1974 has been proposed which would correct this situation if enacted by Congress. In anticipation of these amendments becoming law, the District of Columbia and Puerto Rico are included in the definition of State in the final regulations (see § 134.2). However, funds for these jurisdictions for Part B and Part C of the Act will not be allotted until action on the technical amendment is completed.

The notice of proposed rulemaking contained "comment" sections which explained many of the substantive sections of the proposed rules. These comment sections have been retained in the final regulations.

A. *Summary of comments; changes in the regulations.* Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed rules. Numerous comments were submitted to the Office of Education in writing. A summary of the comments follows. After each comment, a response is set forth stating changes which have been made in the regulations or the reason why no change is deemed necessary. General comments on the regulations are set forth first, followed by specific comments arranged in order of the sections of the final regulations to which they pertain. Where the section number in the final regulations differs from that in the proposed rule, the proposed section number is also identified.

1. *General Comments.* Five comments were received which questioned the statement in the preamble to the proposed regulations which stated, in part: "With respect to this material, comments should be directed to the need (or lack of a need) for regulations, rather than to its substance." The comments objected to the limitation on the extent of their comments.

Response. The sentence to which these comments objected was the second sentence in the paragraph. The first sentence reads: "Reviewers should also note that where statutory language has been repeated in these proposed rules, it is to indicated by the use of quotation marks which will be deleted when the final regulations are published." If these two sentences are read together, it should be clear that the second sentence means that with respect to statutory language, comments should be directed to the need (or lack of a need) for regulations which will further explain the statutory language, rather than to the substance of the statutory language.

Comment. One comment noted that section 403(a) of the Act, which requires the annual program plan to contain information "in such detail as the Commissioner deems necessary" should not be misused to the extent of legislating by regulation. The comment stated that had the Congress desired extensive reporting requirements and paperwork, it would have authorized additional funds for these purposes instead of reducing funds for administration of the annual program plan.

Response. There is no intent to legislate by regulation. The regulations do not go beyond legislative authority. The "type of detail" required in the annual program plan is needed to administer the program. For example, § 134.13(b), in repeating the statutory requirement that any State unable to meet the requirements of section 406 of the Act must submit a certification to that effect, requires that the certification be from the State attorney general or other appropriate legal officer. It is reasonable to require that a certification relating to a State's legal authority be from such an official.

Comment. A commenter stated that sections 403(b)(1), (3), and (4) of the Act regarding approval of State plans, the annual public meeting of the State advisory council, and the authorization for the State advisory council should be reflected in the regulations.

Response. Since these requirements are stated in the statute, and the Office of Education does not intend at this time to supplement them with regulations, it is not necessary to repeat the requirements in the regulations.

Comment. One comment suggested that the requirement in section 432 of the Act that persons broadly representative of the cultural and educational resources of the area to be served shall be involved in the planning and carrying out of all programs and projects funded under Part C (except those referred to in section 431(a)(3) of the Act) is not set forth in the regulations. The reviewer suggested that regulatory language incorporating this requirement should be included.

Response. A new § 134b.3 has been added relating to applications by local educational agencies which should satisfy the request of the comment.

Comment. One comment was received which suggested that the provisions of section 403(c) of the Act regarding the Commissioner's responsibility to approve State plans and modifications are not, but should be, set forth in the regulations.

Response. The language in section 403(c) imposes a requirement on the Commissioner. It is the general practice not to use the regulations to repeat statutory requirements which do not require action on the part of the recipient of Federal funds. Therefore, there is no change in the regulations.

Comment. A commenter suggested that a provision be added to the regulations allowing State educational agencies to reallocate funds allocated but not used by local educational agencies.

Response. The addition of a new section which would accomplish this purpose is being considered and if the suggestion is adopted, will be published as a proposed rule subject to public comment.

Comment. A comment stated that no additions should be made to the proposed regulations since they already exceed the intent and language of the statute. Two comments stated that the intent to consolidate programs, provide forward funding, and develop a single application was useful but the proposed regulations present administrative difficulties. Another reviewer commented that inviting comment on proposed rules that merely repeat the statute without interpretation is wasteful of the time of both the Office of Education and the public and delays promulgation of meaningful regulations. A comment suggested that guidelines for Title IV should be subjected to the same review process as regulations. One reviewer inquired about the opportunities, implications, and limitations in Title IV for a professor seeking funds to conduct research in teacher education. Three reviewers stated that the proposed regulations carry over the provisons of earlier statutory language of categorical programs, indicating continuance of categorical programs with no real intent to consolidate. Another reviewer said that the Office of Education has made no visible attempt to provide the administrative structure necessary for Title IV and has not informed State educational agencies which unit in the Office will approve annual program plans. Another reviewer stated that by allowing annual program plans to flow through the various categorical program offices, the time constraints will be prohibitive. This reviewer said that the split consolidation-categorical program for fiscal year 1976 is wasteful of staff time and funds.

Response. The changes made in the revised regulations are intended to clarify the proposed rules and resolve some of the administrative difficulties referred to in the comments received by the Office of Education. It is the position of the Office of Education that it is always useful to obtain comments on proposed rules. Generally, since guidelines are limited to suggestions and recommendations and do not contain the rules for the operation of the program, proposed rulemaking procedures are not required by law. Whether public comments would be solicited would be a matter for consideration when a particular set of guidelines is developed. Title IV of the Act is intended to support elementary and secondary school programs rather than provide funds for research in teacher education. The regulations do incorporate some of the provisions of the categorical programs consolidated under Title IV. The authorities for incorporating these provisions are sections 421(b) and 431(b) of Title IV of the Act. The Office of Education has developed an appropriate structure for receiving, reviewing, and approving Title IV annual program plans. The memorandum from Thomas J. Burns and Dick W. Hays to the Chief State School Officers dated April 8, 1975, provided directions to State educational agencies for submitting annual program plans to the Office of Education. The split categorical-consolidated program which will be in effect for fiscal year 1976 is required by section 401(c) of the Act.

Comment. Two reviewers commented that the sequence of preparation and release of the Title IV regulations put States at an extreme disadvantage in commenting because of the fact that the regulations for section 434(b) of GEPA were published later. The commenter suggested that the Commissioner should accept the assurances in the general application until the State plan assurances are completed, precluding the loss or suspension of Federal funds for education at State and local levels and allowing State educational agencies sufficient lead time for development of the annual program plan.

Response. While it would undoubtedly have been more convenient to be able to review the regulations implementing the provisions of section 434(b) of the General Education Provisions Act (hereinafter referred to as GEPA) at the same time as the regulations governing Title IV of the Act, it was felt that the latter regulations were too important to delay their publication any longer than necessary. Regulations for section 434(b) of GEPA have since been published in proposed form (see 40 FR 19204, May 2, 1975). By statute, certain assurances and provisions are necessary for approval of the Title IV annual program plan. A State is not permitted to obligate its Title IV funds until its annual program plan is received by the Office of Education in substantially approvable form. (See 45 CFR 100b.32.)

Comment. A reviewer suggested that the annual program plan format should have been given to the States in final form early enough to allow more than token participation of the Advisory Council in preparation of the plan. A reviewer commented that the proposed regulations appear to be in conflict with the concept of consolidation and the simplified administrative arrangement. Another reviewer stated that in view of the delay in publishing regulations, the time allowed for drafting an annual program plan and developing guidelines and application forms is insufficient. Another reviewer stated that an extension should have been made for the period allowed for public comment to allow all interested parties time to prepare an indepth analysis and react more intelligently.

Response. Since it was believed that the development of proposed regulations had a greater priority than the design of the format for the annual program plan, the format design was delayed somewhat; however, the annual program plan format has been developed and distributed. The proposed regulations are fully consistent with the provisions of the applicable statutes. Though it is recognised that the time for implementation of the Title IV program is short, the proposed regulations were published as soon as they were ready. Even though the time for formal comments was not as long as some reviewers would have wished, the time satisfies all rulemaking requirements. The administration of Title IV will continue to be scrutinized and amendments or additions to the regulations may be proposed at a future date.

Comment. Three comments on the Title IV regulations concerned section 437 of GEPA, added by section 512, Pub. L. 93-380 (Responsibility of States to furnish information). Two of the comments stated that States should have had available the regulations for this requirement when commenting on the proposed Title IV regulations, in order to provide for a coordinated approach to data collection. The second comment stated that the proposed Title IV regulations should reflect the requirements of Section 437 of GEPA, in order to facilitate early gathering and compilation of the required information by State and local educational agencies.

Response. At this time, it does not appear that any regulations will be necessary to implement the provisions of section 437 of the General Education Provisions Act. The statute is clear and probably can stand without implementing regulations.

2. § 134.2 *Definitions. Comment.* Three comments were received which suggested that the term "academic subjects" be defined in § 134.2 as including only those subjects which are included in the definition for the NDEA Title III program.

Response. A definition of the term "academic subjects" has been added to these regulations which includes, but is not limited to, the original twelve subjects. Given the broader purpose for which Part B funds can be spent under the consolidation, it is felt that a broader definition is both legally supportable and more appropriate from an administrative standpoint.

Comment. Two comments were received which questioned the use of the word "imperfect" in the definition of "children with specific learning disabilities," stating that perfection cannot be attained by any child.

Response. The definition of "children with specific learning disabilities" is the same as the definition in section 602(15) of the Education of the Handicapped Act (20 U.S.C. 1402(15)). That definition is being used to provide consistency in the administration of Federal programs. No change has been made in the definition.

Comment. There was a comment which suggested that the definition of the word "construction" included the erection of new structures. The reviewer went on to state that limited funds in the program prohibit the erection of new structures and the definition should be changed accordingly.

Response. It should be noted that construction is authorized only in section 431(a)(1) of Title IV of the Act. If in any State the level of funding effectively prevents the erection of new structures, then the definition should cause no problem. The definition has not been changed.

Comment. One comment suggested that there was no need to define "cultural and educational resources" since it was defined by a direct quotation from the Act.

Response. While there may be no need to quote a definition directly from the Act, it is included as a matter of convenience and completeness and to show that the term as used in the regulations has the same meaning as used in the statute.

Comment. Five commenters suggested that the definition for "handicapped children" should be the same as the definition in the regulations governing the Education of the Handicapped Act. Two commenters suggested that the definitions of "handicapped children" and "children with specific learning disabilities" be combined and one asked why the two definitions were separated.

Response. The definition of "handicapped children" has been reworded so that it is the same as the definition in 45 CFR Part 121 (the general regulations which govern the administration of the Education of the Handicapped Act (EHA)). There is a separate definition for "children with specific learning disabilities" because the two terms are used in section 403(a)(8)(B) of the Act.

Comment. Several reviewers were interested in the definition of "local educational agency" and the question of whether funds under Part B would be allocated to local school districts, to intermediate units, or to both. One reviewer questioned whether the terms included non-public schools; another questioned whether it included teacher-training institutions.

Response. The definition of "local educational agency" includes local school districts and certain types of intermediate units. An intermediate unit is generally an administrative organization established to function between the State educational agency and local school districts serving both the State educational agency and local school districts, and usually serves two or more local school districts. It will be necessary for the State educational agency to designate the type of local educational agency that will be a recipient of funds under Part B. In some States, intermediate units that have been recipients of funds under other Federal programs have been chiefly concerned with the distribution of audiovisual materials and equipment. Selecting such agencies as recipients of funds under Part B might create a problem in relation to section 403(a)(5) of the Act which gives local educational agencies complete discretion in determining how the funds it receives under Part B will be spent among the three consolidated purposes: school library resources, textbooks, and other instructional materials; equipment and minor remodeling; and testing, counseling, and guidance. It would be difficult for an intermediate unit concerned only with the distribution of audiovisual materials and equipment, for example, to reflect accurately the full range of choices of local school districts and private school representatives. It is the interpretation of the Commissioner that a local educational agency that is the recipient of funds under Part B must have the authority to provide all materials, equipment, and services authorized under section 421(a) of the Act. (20 U.S.C. 1803(a)(5)). The term "local educational agency" does not include non-public schools. If "teacher-training institutions" means colleges and universities that train teachers, such institutions are not local educational agencies. However, a laboratory school of a public teacher-training institution could qualify as a local educational agency if, for example, it has administrative control or direction of a public elementary or secondary school.

Comment. One comment suggested that the regulations should define "school" to include only those schools that are recognized by the State educational agency to prevent the possibility of Federal funds being used by unapproved schools. A similar comment was made about private nonprofit schools. Another commenter said that the Office of Education should not define "school."

Response. Section 100.1 of the General Provisions Regulations (45 CFR 100.1) defines the terms "elementary school" and "secondary school" as day or residential schools which provide elementary or secondary school education as determined under State law. The term "private" and "nonprofit" are also defined in § 100.1 of the General Provisions Regulations. Section 134.3 of the proposed regulations provides that assistance under Title IV of the Act is subject to the applicable provisions of the General Provisions Regulations.

Comment. Five comments were received on the definition of "school library resources." Two comments suggested that the omission of the words "processed and organized for use" weakened the definition and that the force of regulations was useful in having schools get library materials organized for ease of use. One reviewer suggested that the word "suitable" be omitted from the definition. Another reviewer suggested that the definition of the term should include non-reusable workbooks. The final comment concerned the interpretation that "school library resources" includes only those materials that are in existence at the time of acquisition and prohibits advance subscription even if actual delivery of materials is within the time period for liquidation of obligations.

Response. As the comment section following the proposed rule indicated, the definition of "school library resources" in the proposed rules was not intended to make any change in the types of library resources and instructional materials eligible under Title IV of the Act from those which were purchased under Title II of the Act. The definition of "school library resources" has been changed to conform to that used in the Title II regulations (45 CFR 117.1). Items consumable in use such as non-reusable workbooks are not eligible for acquisition under either Title II or Title IV of the Act. With respect to the last comment, the general concept that a fiscal year's allotment may be used only for a need for that fiscal year would not prohibit subscribing to a publication for a reasonable period of time, e.g., three years, if the rate is less under those circumstances. This could be treated as a current need whereas a long-term subscription, e.g., ten years, would not be so treated.

Comment. Three comments were received on the definition of "teacher." The first suggested that the definition of "teacher" should include school principals. The second suggested that the term "school library/media specialist" be substituted for "school librarian." The third inquired about the meaning of supervisory staff.

Response. The definition of "teacher" has been clarified by explicitly including any person who is engaged in carrying out the instructional program of an elementary or secondary school, including a principal, guidance counselor, school librarian/media specialist, or other member of the instructional or supervisory staff.

Comment. Four comments were received suggesting that the definition of "testing" should be expanded to include educational achievement. Two comments suggested that the definition be expanded to include interest tests or inventories; one of these comments also wished to include self-concept scales. Another comment suggested that the definition be stricken from the regulations and left to the discretion of State educational agencies.

Response. The varied interpretations of the proposed definition indicate the need to revise the definition for testing. The definition proposed was not intended to exclude achievement testing interest inventories, or self-concept scales if they pertain to an individual's educational or career development. The definition has therefore been altered for clarification.

Comment. Two comments were received about the definition of "textbook." The first comment stated that the proposed definition allows schools to purchase a variety of materials as basic resources rather than as supplementary resources and that such a definition would not require the local educational agency to provide basic resources. The reviewer questioned whether the intent of the Act is to permit a school to put all its Part B funds into textbooks. The second reviewer suggested deleting the last part of the definition: "a copy of which is expected to be available for the individual use of each student in such class or group."

Response. Section 134.15, which sets forth statutory language, gives local educational agencies discretion in the division of funds among Part B purposes. Therefore, the statute permits local educational agencies to put all Part B funds into textbooks (taking into account the requirements of section 406 of the Act). The language in the definition quoted by the second reviewer which is identical with that used in the regulations applicable to Title II of the Act (45 CFR 117.1) is not intended to preclude the use of multiple textbooks, such as two or more books designed for different academic levels.

Comment. One comment suggested that all terms used in Title IV which have been defined in the General Provisions Regulations (Parts 100–100c) be repeated in § 134.2. Another comment suggested that the term "secondary" be defined.

Response. The purpose of the General Provisions Regulations in Parts 100, 100a, 100b, and 100c, is to collect in one place all of the regulations which are generally applicable to Office of Education programs so that they will not have to be set forth or repeated in the regulations for separate programs, which in the past had led to varied practice and interpretation. Therefore, it is not considered appropriate to repeat those definitions in this section. Since the term "secondary school" is defined in § 100.1 of the General Provisions Regulations, it is not repeated here.

Comment. A comment was received which requested that the word "equitable" and the term "severe educational disadvantage" be defined.

Response. To define any term is necessarily to limit it. It is felt that with respect to these terms, it is better to retain flexibility. No change has been made in the regulations.

3. § 134.10 *Submission. Comment.* Three comments were received relating

to the provisions in § 134.10 with respect to an annual program plan. One comment suggested that paragraph (a) be changed to require both a general application and an annual program plan. A second comment suggested that an annual program plan should be required only for the consolidated programs under Title IV and not for the separate categorical programs which are being consolidated under Title IV. The third suggested that the last ten lines of the comment printed with the proposed rules be deleted. A fourth comment suggested that only one annual program plan should be submitted which would cover all of the programs identified by a State educational agency in the general application. Three comments suggested that the annual program plan requirements in the regulations require an excessive amount of paperwork, would increase reporting requirements, necessitating employing additional State educational agency personnel, thus detracting from providing technical assistance to local educational agencies. A final comment suggested that the provisions of section 434(b) of GEPA do not apply to Hawaii, the District of Columbia, Puerto Rico, and the Outlying Areas (in that funds are not granted to local educational agencies through, or under the supervision of, the State educational agency, since these jurisdictions are legally both State and local educational agencies), and therefore, the sections of the regulations which refer to annual program plans should be declared not applicable in these jurisdictions. The comment suggested that either specific State plan requirements be declared applicable, or that the general application and annual program plan requirements be extended to these jurisdictions under the provisions of section 434(b) of the General Education Provisions Act.

Response. With respect to the first comment, the general application requirement will be subject to 45 CFR Part 100b, proposed rules for which have been published and appear on pages 19204–19207 of the FEDERAL REGISTER of May 2, 1975. The requirement for annual program plans for the categorial programs which are consolidated under Title IV for fiscal year 1976 is likewise included in 45 CFR 100b. That question should not be dealt with in these regulations which govern only Title IV of the Act. With respect to the third comment, the language in the printed comment on § 134.10 in the proposed rules was intended to be explanatory only and does not constitute a regulatory requirement in and of itself. The idea is to allow State educational agencies to submit annual program plans when they are ready in order to facilitate meeting the requirements for submission of these plans. The proposed amendments to Part 100b (referred to above) state that "where a particular State does not administer the funds provided under a particular program through its State educational agency, or does not make grants to local educational agencies with any of those funds, that State would not be required to submit an annual program plan with respect to such program" (FEDERAL REGISTER, Vol. 40, No. 86, p. 19204 (May 2, 1975)). With respect to the District of Columbia, Puerto Rico, and Hawaii, it is the view of the Office of Education that section 434(b) of GEPA applies, since each has an agency which acts as both the State and the local educational agency. The same arrangement is being made with respect to the Outlying Areas. The authority of the Commissioner under the provisions of section 402 of the Act to allot funds to the Outlying Areas for the purpose of Title IV gives him authority to establish the requirements those jurisdictions must meet to obtain such funds. It is therefore under this authority that the Commissioner has established the requirements in Subpart D of Part 134 for annual program plans from the Outlying Areas.

4. § 134.11 *State educational agency. Comment.* A comment stated that if the State files a general application it should be evident that it is the "sole agency" and the requirement of § 134.11 that this detail be provided in the annual program plan is not necessary.

Response. The language used in § 134.11 is based on the statutory requirement of section 403(a)(1) of the Act. The requirements of section 434(b) of GEPA state that an annual program plan shall be submitted in lieu of a State plan and "* * * be prepared and administered in a manner consistent with specific State plan requirements of the appropriate applicable statutes affecting the program for which the annual program plan is applicable * * *" It is therefore necessary that State educational agencies state that they are the sole agency in the annual program plan submitted under Title IV of the Act.

5. §§ 134.11–134.21 *Provisions to be included in annual program plan. Comment.* A commenter stated that the funds available for schools under Part B are so limited for fiscal year 1976 and that the possibilities for leadership on the part of the State educational agencies so hampered by the regulations of §§ 134.11–134.21, that the general impact upon the learning and teaching environment is questionable.

Response. The provisions to be included in the annual program plan as required in §§ 134.11, 134.12(a), 134.13, 134.14, 134.15, 134.16(a), 134.17, 134.18, 134.19, 134.20, and 134.21 are required by section 403(a) of the Act. It should be noted that § 134.12 (b) and (c) apply only to Part C, and not to Part B.

6. § 134.12 *Allowable expenditures. Comment.* Ten comments were received concerning the use of measurable objectives with concerns expressed regarding the mandating of a system of management by objectives. Another reviewer objected to the requirements of § 134.12(b) in relation to Part B of the Act because it would violate the requirements of section 403(a)(5) of the Act with respect to complete discretion of local educational agencies.

Response. The intent of this section is to provide a uniform method for writing descriptions of the programs which will be carried out under funds authorized for Part C of Title IV. Receiving uniform information in this format will expedite the review process for the annual program plans in the Office of Education. There is no intent to prescribe a method, system, or style of administration or management and this requirement will not do so. Section 134.12 (b) and (c) have been changed to require specific objectives rather than measurable objectives and § 134.12 (b), (c), and (d) has been changed to require inclusion in the annual program plan of *estimated* amounts of funds to achieve objectives and to carry out activities. With respect to the last comment, sections 134.12 (b) and (c) refer only to activities related to Part C of Title IV of the Act. The local discretion required by section 403(a)(5) of the Act only applies to Part B.

7. § 134.12(d) *Allowable expenditures. Comment.* Eight comments were received concerning the use of the word "detailed" in relation to a description of the activities of the State advisory council and/or a listing of the funds which will be available to carry out these activities. A final comment stated that § 134.12(d) should be deleted as it lacked statutory authority and placed restrictions on the State educational agency which should be within the purview of the State advisory council.

Response. Section 403(b) mandates several important functions of the State advisory council, and authorizes each State advisory council to obtain the services of such professional, technical, and clerical personnel, and to contract for such other services as may be necessary to carry out their function. Further, the Commissioner is required to assure that funds sufficient for these purposes are made available to each council. In order for the Commissioner to assure that the funds are sufficient for the purposes, he must know (1) what activities have been planned and (2) the estimated amount of funds which will be provided for carrying out those activities. No change has been made in the regulations.

8. § 134.13 *Participation of children and teachers in private schools. Comment.* One comment suggested that if a State cannot meet the requirements of section 406 of the Act and of § 134.13 of the regulations regarding participation of private school children, it should so indicate in the general application. The comment observed that there is no provision in section 434(b) of GEPA to indicate such inability to serve.

Response. The requirements for the general application will be set forth in the regulations in part 100b, and are not set forth separately with the regulations for each program covered. If the State cannot meet the requirements of section 406 of the Act, section 403(a)(3) of the Act requires that that State so indicate in the annual program plan (see § 134.13 (b)). There is no need to change the wording of the regulation in this section.

9. § 134.14. *Distribution of funds to local educational agencies. Comment.* One comment was received which asked that a State be prohibited from imposing re-

quirements on Part C funds (e.g., requiring local contributions). Three comments on § 134.14 stated that under the previous categorical programs that are now consolidated under Title IV, some States funded projects among two or more local educational agencies when it was mutually beneficial and economically feasible to do so. The reviewers suggested that this same arrangement should be allowed under Title IV. One reviewer suggested that if such an arrangement is allowed, it should be completely voluntary on the part of the participating local educational agencies and should not constitute a violation of § 134.15. Another of the reviewers suggested that a project of this type should be under the supervision of the State educational agency.

Response. The statute provides that Part C funds are to be distributed on an "equitable basis recognizing the competitive nature of grant-making." The State must publish the criteria it has developed and will apply in distributing funds on this basis. Certain criteria might preclude the possibility of an equitable competition. It is possible that such a problem could occur if a State imposed matching requirements which only the wealthier local educational agencies could meet. The Office of Education will review these questions on a case-by-case basis in reviewing the annual program plans. The need for further regulations will be considered if problems develop. There is nothing in the regulations or the Act which would preclude local educational agencies from contracting with other local educational agencies for services or from jointly applying for funds with such agencies if this is believed to promote a better program. This would not violate the provisions of § 134.15. All local educational agency projects are under the supervision of the State educational agency.

10. § 134.14(a)(1) *Distribution of funds to local educational agencies. Comment.* A commenter stated that the distribution of funds as required in § 134.14(a)(1) in a State with large numbers of school districts would result in the allocation of insignificant amounts under Part B, especially in small districts. The reviewer stated that the regulations should limit an eligible local educational agency to one with a minimum of 10 pupils. This reviewer also stated that the regulations should permit an intermediate unit to serve groups of small schools in its area. A third reviewer stated that the term "substantial" should be defined in order to carry out the intent of Congress. A final comment stated that the regulations should clarify whether or not the requirements of § 134.14(b) violate the requirement concerning complete discretion (§ 134.15).

Response. Funds made available under Part B of Title IV of the Act are to be distributed on the basis of enrollment, relative tax effort, and numbers or percentages of children whose education imposes a higher than average cost. Eligible children in public and private nonprofit elementary and secondary schools must be permitted an opportunity to participate in the program, regardless of the size of the school they attend. The definition of "local educational agency" includes operating school districts and certain intermediate units. The terms "substantial," "substantially greater," and "sparsely populated" have not been defined. National quantitative criteria or measures concerning relative amounts to be made available to local educational agencies based on differences in tax effort and numbers or percentages of children whose education imposes a higher than average cost have not been added to the regulations under an interpretation, based on a statement in the legislative history of Title IV (H.R. No. 93-805 (p. 28)), that each State should write its own formula. The requirements of § 134.14(a)(1) and (b) apply to the distribution of Part B funds and do not violate the intent of § 134.15 (which repeats statutory language in section 403(a)(5) of the Act). Once Part B funds are allocated to a local educational agency, that local educational agency has complete discretion over the division of funds among the Part B purposes, subject to the requirements of Section 406 of the Act.

11. § 134.14(a)(2) *Distribution of funds to local educational agencies. Comment.* One comment suggested that "equitable basis" as applied to Part C funds should not mean equal or proportional amounts but should mean an equal opportunity to compete. The commenter also suggested that each State educational agency should set forth criteria in its annual program plan which it will use in providing this equal opportunity to local educational agencies. Another reviewer noted that funds under Title II of the Act were allocated according to relative need and the reviewer felt that § 134.14(a)(2) ties it to competitive nature of the grantmaking. The reviewer felt that State educational agency resources could be put to better use than helping local educational agencies compete for funds they need.

Response. The first comment correctly states the proper meaning of § 134.14(a)(2). That is, the section provides for an equal opportunity to compete. Further, the language in § 134.14(b) calls for setting forth the criteria the State educational agency will apply in meeting the requirements of § 134.14(a)(2); thus, the State educational agency will include the criteria to be used in providing this equal opportunity within its annual program plan. Therefore, there is no need to change the language of this section. With respect to the last comment, § 134.14(a)(2) applies to Part C rather than Part B funds. The requirements for the distribution of Part B funds are set forth in section 403(a)(4)(A) of the Act and § 134.14(a)(1) and (b) of the regulations. The requirements which were objected to in the comment are mandated for Part C by Section 403(a)(4) of the Act.

12. § 134.15 Part B Funds: *Discretion of local educational agencies. Comment.* Seven comments were received concerning § 134.15 of the proposed regulations. One comment suggested that the section should offer more specific guidance in giving local educational agencies complete discretion in the use of Part B funds. Two comments suggested changing the wording of the proposed rule to: "The annual program plan shall provide an assurance that each * * *" A final group of comments stated that § 134.15 was explicit in giving local educational agencies complete discretion in the division of Part B funds among the three purposes set forth in section 421(a) of the Act. These comments questioned the relationship of this requirement to section 434(b) of GEPA which requires State educational agencies to provide assurances that Federal funds will not supplant State and local funds.

Response. This section repeats the statutory requirement in Section 403(a)(5) of the Act. The statute is clear that discretion over the division of funds among the program purposes of Part B is given to local educational agencies and not to the State. Further, the statute does not use the term "assurance" in relation to this requirement. In response to the final group of comments, local educational agencies are given complete discretion in the distribution of Part B funds among the three purposes in section 403(a)(5) of the Act. They are, however, still precluded from supplanting non-Federal funds by section 434(b)(1)(A)(IV) of the General Education Provisions Act, as amended.

13. § 134.16 *Evaluation, dissemination, and adoption of promising practices. Comment.* Two comments suggested that an assurance concerning effective procedures would be sufficient. Nine comments were concerned primarily with the requirement for a calendar of activities because too much specificity would be required. Two reviewers commented on the requirement of § 134.16 that the State advisory council evaluate "* * * programs and projects assisted under the annual program plan." These comments suggested that the regulations should allow a State educational agency to develop an application form requiring sufficient information relative to evaluation criteria and data related to local expenditures in the programs included under Part B. These reviewers also suggested that the regulations should allow the State educational agency to collect and report evaluative data deemed necessary to fulfill the State advisory council evaluation requirements.

Response. Section 403(a)(6) of the Act requires that the State plan provide for the adoption of effective procedures for evaluation, dissemination, and adoption. This requirement is not in the form of an assurance. The three major activities referred to in § 403(a)(6) of the Act involving both the State advisory council and State educational agency staff indicate a need for planning and coordinating these activities. The description and calendar required by § 134.16(b) are the type of detail which the Commissioner deems necessary to carry out his responsibilities. The Commissioner needs a calendar in order to be informed about the schedule of activities. The calendar would, of course, be a projected schedule. For example, it could be a projection of activities on the basis of quarters of the fiscal year. In response to the last group of comments, the regulations do not prohibit the State educational agency from requiring that local educational agencies submit whatever information is necessary for an adequate evaluation of Title IV programs. (See § 134.37(a).)

14. § 134.17 *Single application. Comment.* Eleven reviewers commented on § 134.17 of the proposed regulations. Six comments suggested that § 134.17 should allow State educational agencies to develop a single application with separate sections for Parts B and C. Two comments suggested that Parts B and C are separate programs with separate authorizations and should have separate applications from local educational agencies for the two parts. Three comments suggested separate due dates for application. Two comments suggested that the requirement of § 134.17 be treated as an assurance in the annual program plan.

Response. The proposed regulation repeated the statutory language. Section 134.17(a) permits State educational agencies to develop a single application with separate sections for Parts B and C. The submission date for the application can be established to accommodate the longer preparation time needed for a competitive proposal under Part C. A local educational agency may, but cannot be required to, submit more than one application or submit separately the separate sections for Parts B and C. The section therefore remains as written.

15. § 134.18 *Use of funds. Comment.* A reviewer stated that the comment following § 134.18 implied that administration funds could be weighted heavily toward Part B. The reviewer suggested that such a determination should be made by State educational agencies without specific direction in Federal regulations.

Response. The material which follows § 134.18 is merely intended as an example of the mathematical calculations which must be made to determine the various set-asides. Parts B and C may be administered separately or together at the State's discretion; but in either case the expenditure for such administration must be attributable to the respective Part B or C allotment.

16. § 134.18(b) *Use of funds. Comment.* A reviewer stated that the proposed regulations for Title IV do not recognize the requirement of section 613 of the Education of the Handicapped Act (EHA) which requires State educational agencies to develop plans for extending education to all handicapped children. The reviewer stated that there is further elaboration of this requirement in H.R. 93-805, p. 64-65 which stated that it was the committee's intention that this plan include "* * * a resource allocation plan that details how the State intends to finance the implementation of the plan. It is also the Committee's intent that all Federal funds for the education of the handicapped under the various Federal acts which go directly to the States or which require State approval, should be included in the resource allocation plan * * *." A second comment stated that State educational agencies should require that appropriate State personnel responsible for the education of handicapped children and children with specific learning disabilities should review recommendations on all aspects of the annual program plan and all projects pertaining to the set-aside for such children under Title IV. The commenter also recommended that the innovative and exemplary concept pertaining to the set-aside for special education which prevailed under ESEA Title III should be continued under Title IV.

Response. The requirements of section 613 of EHA with respect to plans for education for all handicapped children relate only to the content of the annual program plan under that program (EHA Part B). Therefore, no specific reference in the Title IV regulations is necessary. There is nothing in these regulations which would preclude a review within the State educational agency of plans for programs for handicapped children by any official which the chief State school officer wishes. Nor is there anything in the regulations which could prevent the inclusion of the plan for the use of Title IV funds for handicapped children from being included within the annual program plan for EHA. With respect to the final comment, the Act does not require that all projects funded under section 431(a)(1), (2), and (3) of the Act, including projects for handicapped children and children with learning disabilities, be innovative and exemplary.

17. § 134.19 *Use and access by handicapped persons. Comment.* Two comments were received suggesting that "accessible to" and "usable by" refers only to the portions of the facilities which are repaired or remodeled.

Response. It is the view of the Office of Education that the statute means that only those portions of the facilities which are repaired, remodeled, or constructed under a Title IV project are required to be accessible to and usable by handicapped persons.

18. § 134.20 *Commingling of funds. Comment.* A comment was received which suggested that provision should be made to authorized investment of advanced funds together with "other monies" to ensure a greater return as long as there is an assurance that the Federal funds will be returned in the original amount.

Response. The obligation of Federal funds by the Office of Education at the beginning of the fiscal year does not mean that funds are available to States in advance of need. The transfer of Federal funds to a State by means of a letter of credit is intended to make funds available at the time the funds are needed. Thus, there is no occasion for a State to invest Federal funds. There is no need to change the language of this section.

19. § 134.21 *Maintenance of expenditures from non-Federal sources. Comment.* The numerous comments on § 134.21 fit into seven general areas. The first group of comments suggested that the statutory requirements be interpreted to mean that the "aggregate amount" refers to the separate totals of State and local expenditures for each of the three Part B program purposes. A second group of comments requested that maintenance of per pupil expenditures be required rather than aggregate expenditures. The third set of comments requested that exceptions be granted to the requirement of section 403(a)(11) of the Act when unusual circumstances occur in a State or local educational agency (such as where there was a very large outlay in one year for non-recurring expenditures or because of economic conditions). The fourth group of commenters felt that since maintenance of expenditures by a State and its local educational agencies is required, an entire State might be out of compliance with this requirement because of large reductions in expenditures in one or more local educational agencies. Several of these commenters suggested that the State educational agency should be able to require that each local educational agency maintain expenditures from State and local sources for programs described in section 421(a) of the Act. These commenters felt that unless the State educational agency can make this requirement, it will be difficult for the State to comply with the assurance. The fifth group of comments requested whether nonpublic schools are included in this requirement. The sixth group of comments suggested that because of a lag in collecting expenditure date for "the preceding fiscal year," the second preceding fiscal year should be used. A final group of comments questioned the relationship of the provision of section 403(a)(11) of the Act and section 434(b)(1)(A)(IV) of GEPA. One commenter questioned whether section 434(b)(1)(A)(IV) of the General Education Provisions Act applied to nonpublic schools. A final comment suggested either omitting or clarifying the term "satisfactory."

Response. It is the interpretation of the Office of Education that the term "aggregate amount" refers to the total amount expended for all of the three Part B program purposes combined. State and local school administrators are free to budget and expend funds from State and local sources among any one or more of the purposes so long as the total support is not less than the amount expended in the preceding year. In response to the second group of comments, the statute refers to the aggregate amount of expenditures rather than per pupil expenditures. Although local and State effort may be maintained on the basis of per pupil expenditures, State and local educational agencies are required to report only the total amount of funds derived from non-Federal sources to assure compliance with this provision. If a State cannot comply with the section 403(a)(11) assurance, the Office of Education will review the problems of State and local educational agencies (e.g., unusual circumstances) on a case-by-case basis. With respect to the fourth group of comments, State educational agencies may require that each local educational agency maintain its local expenditure from State and local sources for the Part B program purposes. In response to the fifth group of comments, the expenditures of non-public schools enrolling children who benefit under Part B of Title IV of the Act are not included in the requirement of section 403(a)(11) of the Act because such expenditures are not made by "the State and its local educational agencies." In response to the sixth group of comments, regulations cannot alter the statutory requirement that the "preceding fiscal year" be used in determining compliance with the requirement. In response to the final group of comments, Section 434(b)(1)(A)(IV) of GEPA requires that the State assure in its general application that it will implement policies to prevent non-Federal funds from being supplanted by Federal funds. No supplant restrictions such as this provision prohibit State and local educational agencies from using Federal funds to replace specific expenditures that were previously paid from non-Federal sources. Section 403(a)(11) of ESEA, on the other hand, requires that the State assure that the aggregate amount of non-Federal expenditures by State and local educational agencies for Part B purposes be maintained. As stated, these two assurances are separate requirements and must be complied with separately. Finally, the term "satisfactory assurance" is statutory in origin. The Office of Education will determine on a case-by-case basis what constitutes "satisfactory assurance" that the requirements of section 403(a)(11) of the Act will be met. Usually, an assurance which repeats the statutory language would be sufficient. No change has been made in the regulations.

20. § 134.37 *Application by a local educational agency. Comment.* One comment suggested the insertion of the words "receiving applications and" immediately following the word "from."

Response. The purpose of such a change would be to establish two separate applications—for Part B and Part C—with the attendant opportunity to establish two separate due dates for the receipt of the two applications. This matter is addressed in the response under § 134.17 above, and for the reasons set forth in that response there is no change in the language of this section.

21. Subpart C—*State Advisory Council. Comment.* Several comments suggested that provision be made for the funding of the costs of the State Advisory Council from April through June 1975.

Response. A technical amendment concerning financial support to the State Advisory Councils during fiscal year 1975 has been introduced as H.R. 3801. Also, funds available to the State educational agency under Section 503 of Title V of the Act may be used to pay the costs of the State advisory council before July 1, 1975, if the Title V application was appropriately amended. Furthermore, Title IV funds may be used to pay for the activities of State Advisory councils occuring before July 1, 1975, through a reimbursement process. This conclusion is based on two provisions of the General Provisions Regulations (45 CFR 100b), which set forth the rules for determining allowable costs and the effective dates of State plans and amendments. These regulations will be applicable to Title IV (See § 134.3 of these regulations and section 100b.10(d) of the General Provisions Regulations as well as a proposed updating of the list of programs to which Part 100b applies (40 FR 19206)) (1) Subpart (c)(6) of Part II of Appendix B—Cost Principles for State and local governments—which is incorporated into the General Provisions Regulations by § 100b.81 (45 CFR 100b-81) provides for preagreement costs, which are only allowable with the approval of the grantor agency when specifically provided for in the annual program plan. (2) Section 100b.32, which sets forth the basic rule for determining the effective dates of State plans and amendments, places a limit on preagreement costs allowable in a State administered program. It states that: "Federal funds, except funds made available expressly for the *development of State plans*, shall not be available for obligation with respect to binding comments * * * prior to the effective date of the State plan (or State application as the case may be)." (Emphasis added.) The activities of a State advisory council mandated by Title IV and occurring in fiscal year 1975 would be primarily, if not wholly, for the development of State plans to be submitted for fiscal year 1976 funding. Therefore, if specifically set forth in the annual program plan and approved by the Commissioner, these costs could be paid for out of Title IV funds.

22. § 134.51 *Membership. Comment.* There were 47 comments on § 134.51 of the proposed regulations pertaining to the membership of the State Advisory Council. Twenty-seven of these comments stated that the regulatons should require specific representation on the State Advisory Council of the school library/media field or libraries and learning resources. Three comments stated that the membership of the State Advisory Council should be representative of the various educational disciplines, two of these emphasizing representation of the programs consolidated under Title IV of the Act. One reviewer asked for specific regulatory authority to permit State educational agency personnel to serve on the council. Another reviewer stated that one individual should be allowed to represent more than one particular area on the council so long as the council is broadly representative of the cultural and educational resources of the State. Two comments stated that the proposed regulations could possibly result in a large and unwieldy council. Thirteen comments were directed to the interpretation of section 403(b)(1)(A)(iii) of the Act by § 134.51(a) (5), (6), (7), (8), and (9) of the regulations. Two of these comments stated that one person to represent each of the five fields of professional competence in dealing with children needing special education for various reasons (section 403(b)(1)(A)(iii) of the Act) was not the intent of the legislation. Another comment stated that the State Advisory Council as proposed would be made up of a disproportionately large number of people with interests in special education. Another comment made a similar statement and noted that the representatives of special interests far outweigh the one representatve of public elementary and secondary schools whose constituents make up 85 percent of the recipients of benefits under Title IV of the Act. One of the comments further suggested that the use of the word "or" between "limited English-speaking ability" and "gifted and talented" in section 403(b)(1)(A)(iii) of the Act meant that either of these two representatives is required but not both. This reviewer also noted that it was not useful to have a representative for children needing special education because of limited English-speaking ability when there are no bilingual programs or problems in a State. One reviewer stated that in § 134.51(a), the repetition of the category of professional educators tended to diminish lay participation on the council and commented on the values of nonprofessional representation. A final comment stated that the proposed rules inverted the order and emphasis of section 403(b)(1)(A) of the Act, noting that the proposed rules skip over the first part of that section and go first to section 403(b)(1)(A)(i) of the Act.

Response. There is no basis in the statute for a regulaton requiring specific representation on the State Advisory Council of the school library/media field or libraries and learning resources. However, these and other groups including the public must be represented on the council if necessary to make it broadly representative of the cultural and educational resources of the State and of the public. "State educational agencies"[4] are included in the definition of "cultural and educational resources." State educational agency personnel may therefore serve on the State Advisory Council. The interpretation in § 134.51(a) that the membership of the State Advisory Council must include at least one person representative of each of the areas cited in § 134.51(a)(1)–(9) is based on the following legislative history in H.R. No. 93-805, p. 28: "The Committee intends that the interests which are listed as those having to be represented on the State Advisory Council are each meant to represent a different person. For instance, there must be a person representing public schools and a different person representing private schools" (Emphasis added). This legislative history is reflected in the citation of legal authority following § 134.51. With respect to representatives of fields of professional competence in dealing with children needing special education because of "limited English-speaking ability or because they are gifted or talented," the legislative history cited above suggests that these two interests are both to be represented on the council. It is the interpretation of the Office of Education that both should be represented on the council because all States have gifted and talented children who should be represented and all or nearly all States have children of limited English-speaking ability who also should be represented. In changing the order, there was no intent to shift the emphasis from that provided in section 403(b)(1)(A) of the Act. The suggestion in the comment is accepted and the regulation has been changed.

23. § 134.52. *Certification and qualification of members;* § 134.54. *Notification of acceptance of certification. Comment.* There were nine comments on §§ 134.52 and 134.54 of the proposed rules. Two comments on § 134.52 suggested that the State educational agency should designate the chairman of the State Advisory Council. The remaining comments stated that the requirement in § 134.52 that the address of the chairman be furnished to the Commissioner and the requirement in § 134.54 that the Commissioner notify the chairman of acceptance of the certification of the State Advisory Council should be deleted. The Commissioner should not by-pass the State educational agency in any contact with the chairman of the State Advisory Council.

Response. Section 403(b)(1) of the Act states: "The State Advisory Council, established pursuant to subsection (a) shall (A) be appointed by the State educational agency or as otherwise provided by State law." Section 403(b)(2) of the Act states: "Not less than ninety days prior to the beginning of any fiscal year for which funds will be available for carrying out this title, each State shall certify the establishment of, and membership of (including the name of the person designated as chairman), its State advisory council to the Commissioner." If there is a State law that governs the establishment of advisory councils and the selection of a chairman, then that State law should be followed. If there is no such State law governing advisory councils, then the statute provides for the State educational agency to appoint the State Advisory Council and the Chairman. The regulations have been modified by deleting the requirement for furnishing the address of the Chairman of the State Advisory Council to the Commissioner. The Chairman of the Council will be notified of acceptance of certification of the Council through the State educational agency.

24. § 134.53 *Advisory functions. Comment.* Six comments objected to the comment section following § 134.53 from which they inferred that the Advisory Council should review each local educational agency application. One comment suggested that no language from the printed comment section should appear in the final regulations. One comment suggested that the words "including the development of criteria for the distribution of funds and the approval of applications for assistance under Title IV of the Act" should be deleted as repetitious. Several comments were received which suggested that the State Advisory Councils should not review activities under section 431(a)(3) of the Act.

Response. There was no intent to require the Advisory Council to review each local educational agency application. The State educational agency at its discretion may request the State advisory council to perform this function. The written comment section was intended to make that clear. With respect to the next comment, the language of the comment sections is being printed with the revised regulations for clarification. As for the last comment, the language proposed for deletion is statutory. Therefore, there is no need to make any changes in the language of this section. Section 403(b)(1)(B) of the Act requires that the State advisory council "advise the State educational agency in the preparation of, and policy matters arising in the administration of, the State plan * * *" Activities under section 431(a)(3) are described in the annual program plan (which is submitted in lieu of the State plan under section 434(b) of GEPA) and therefore are subject to review by the State advisory council.

25. § 134.55 *Evaluation of programs and projects. Comment.* Two comments objected to the terms "scope and quality." Three comments stated that the evaluation design should be determined by the State Advisory Council and the State educational agency. One comment stated that the evaluation should relate in a comprehensive way to § 134.12(b). One comment suggested that Part C project budgets designate up to 5 percent for evaluation.

Response. Section 403(b)(1)(C) of the Act requires the State Advisory Council to evaluate all programs and projects assisted under Title IV of the Act. In addition, the State educational agency has the responsibility of evaluating the operation of programs to meet the requirements of the performance reports under § 100b.432 of the General Provisions Regulations (45 CFR 100b.432). In view of the work load and the amount of administrative funds available, it is assumed that there will be careful cooperative planning by the State Advisory Council and the State educational agency in the area of designing and carrying out the evaluation of programs and projects. Certainly the scope (the range of the project) and the quality (the essential character) of the activities would be included in the evaluation of a project. The evaluation may also include the extent to which project objectives were met. States have the authority to permit local educational agencies to spend a portion of individual project funds for evaluating Part C project activities. A phrase has been deleted from § 134.55(b) because it referred to § 134.12(b) which applies only to sections 431(a) (1), (2), and (4) of the Act. Since § 134.55 applies to both Parts B and C of the Title IV of the Act, it appeared appropriate to delete the reference to § 134.12(b). There is no statutory authority for requiring that a specified portion of funds be set aside for evaluation.

26. § 134.56 *Report to the Commissioner. Comment.* A reviewer suggested that §§ 134.55 and 134.56 be combined under § 134.53, and that the objectives indicated in § 134.55 should be deleted. The reviewer also felt that Part B evaluation will be very different from Part C and suggested the difficulty of evaluating all Part B projects annually. The reviewer also recommended that the reports of State advisory councils be carefully reviewed and responded to. The reviewer stated that it would be helpful to have this requirement included in the revised regulations.

Response. Sections 134.53, 134.55, and 134.56 each relate to a different function of the State advisory council, and therefore, it was thought appropriate to use separate sections. The reference to objectives as set forth pursuant to § 134.12(b) has been deleted, with the intent that this aspect of evaluation be made permissive under the regulations rather than mandatory. A State advisory council is required under § 134.10(a)(1) to evaluate Part B and C programs and projects annually on a Statewide basis. However, it need not evaluate every local educational agency project annually; the requirements of § 134.55(a) are satisfied if the State advisory council evaluates each local educational agency project at reasonable intervals. The Office of Education will review the State advisory council reports.

27. § 134.72 *Single application. Comment.* One comment suggested that, if an outlying area chose to designate administrative units as applicants for Title IV funds under § 134.70, it should be free to accept applications for one Part and still make all the allocations for the other Part without the need for a single application for Parts B and C together.

Response. Since local educational agencies can be required to submit only one application for funds under Title IV of the Act, the same requirement is made as a matter of policy for the Outlying Areas and the Departments of Defense and Interior if they designate administrative units as recipients of funds.

28. § 134.81 *Standards for selection of personal property. Comment.* There were five comments on § 134.81. Three reviewers questioned the statutory authority for this provision. One comment asked whether the standards for selection of personal property applied to Part C as well as Part B, and suggested a change in language for clarification. Two reviewers questioned the use of the language: "The State educational agency shall develop standards which may be used * * *" (Emphasis added.) One reviewer stated that § 134.81 was confusing and should be rewritten to make it clear that the subject is education standards.

Response. Section 203(a)(2) of Title II of the Act provided for the development and revision of standards for school library resources, textbooks, and other instructional materials acquired under ESEA Title II, and Section 303(a)(4) of the National Defense Education Act of 1958 provided for the establishment of standards on a State level for laboratory and other special equipment acquired with assistance furnished under that title. These purposes are incorporated in Title IV regulations under the authority of Section 421(b) of the Act which provides: "It is the purpose of this part to combine within a single authorization, subject to the modification imposed by the provisions and requirements of this title, the programs authorized by Title II and so much of Title III as relates to testing, counseling, and guidance, of this Act and Title III (except for section 305 thereof) of the National Defense Education Act of 1958, and funds appropriated to carry out this part *must be used only for the same purposes* and for the same types of programs authorized under this provision." (Emphasis added.) The use of the language, "The State educational agency *shall* develop standards which *may* be used * * *," is intentional (Emphasis added.) The State educational agency must develop standards for selection of personal property; however, local educational agencies may, but are not required to, use them in assessing needs under Part B and making divisions with respect to the division of funds among the Part B purposes and selection of the personal property to be acquired because of requirement in § 134.15. Section 134.81 applies only to Section 421(a) (1) and (2) of Part B of the Act and the language of the regulation has been changed to make this clear.

29. § 134.89 Scope of subpart. *Comment.* One reviewer asked that this section be clarified to indicate whether or not private school children could be served if the local educational agency in which eligible private school children attended school is not a recipient of funds. A second reviewer suggested that a second local educational agency could agree to serve private school children if the local educational agency in which the private school children attended school did not apply. A third reviewer commented that confusion would be created because under Title IV, private school participation is limited to chilchildren in both profit and nonprofit children in both profit and nonprofit schools can participate in Title I programs.

Response. Title IV of the Act does not provide for the participation of private school children who are in the area served by a local educational agency which is not an applicant and recipient of funds under the program. In response to the third comment, private nonprofit schools in Title IV is limited to children in private nonprofit schools because of the requirements of section 406(a) of the Act.

30. § 134.90 *Consultation with private school officials*, (proposed § 134.96). *Comment.* Two comments asked that § 134.96 be renumbered and placed in the regulations immediately following § 134.99 on the grounds that this was more orderly and more indicative of the chronological order of the local educational agency's responsibilities. Two comments suggested that consultation with private school officials on "all" matters before making "any" decisions in a requirement which exceeds the statutory authority. One comment suggested, on the other hand, that the word "all" be inserted before the word "requirements." Another comment suggested that the regulation exceeds the requirement of the statute and should be modified or deleted. A final comment stated that the term "consult" as used in this section should be defined in § 134.2.

Response. The suggestion to renumber § 134.90 as § 134.95 has been adopted, and the change has been made. The use of the words "all" and "any" in the proposed rule refers only to the requirements of Subpart F of Part 134 and is not excessive in that context. With these two words left in, it should not be necessary to add another word "all" before the word "requirements." Therefore, except for the numbering change, no changes are made in this section. The statutory authority for the regulation is section 406(a) of the Act. "Consult" is not defined in the regulations. This permits the term to be applied to the varied types of contacts to which the consultation requirement refers.

31. § 134.91 *Benefits.* (proposed § 134.90). *Comment.* There were two comments which indicated that the services, materials, and equipment referred to in § 134.91 (proposed § 134.90) which are made available to nonpublic school children do not have to be the same as those made available to public school children, only equitable. One comment asked for language which would state that services, materials, and equipment for nonpublic school children be located in the nonpublic schools and that, only if such an arrangement is not feasible, should they be located elsewhere, and only then if the local educational agency would provide for equitable participation of nonpublic school children in the purposes and benefits of Title IV. One comment asked that specific reference be made to auxiliary services, including the services of speech therapists, psychological services, social services, and speech and hearing services as appropriate. The comment also asked that § 134.91(b) (proposed § 134.90(b)) include the words "after consultation with the appropriate private school officials." One commenter suggested that § 134.97 should require that the State's annual program plan specify the criteria to be used which would provide for equitable participation of private school children and the criteria by which a method for providing services and benefits to private school children is selected. Another reviewer suggested that State planning for private school children is preferable to local educational agency planning. Another commenter stated that the requirements of § 134.97 presented problems in towns where the only public school is elementary and private school is secondary with different needs and facilities.

Response. § 134.91 (proposed § 134.90) does not preclude the provision of different services, materials, and equipment for nonpublic school children from those provided to public school children to meet the needs of such private school children. It is anticipated that the consultation with appropriate private school officials by local educational agency officials can result in satisfactory arrangements over the location of the provision of such services, materials, and equipment, consistent with law. Section 406(a) of the Act provides that it is the responsibility of the local educational agency to provide for equitable participation of private school children in Title IV projects. In response to the last comment, a local educational agency under § 134.94 (proposed § 134.93) must adjust the average per pupil expenditure levels according to the needs of the private school children and the cost per child of meeting these needs.

32. § 134.92 Number of private school children to be served, (proposed § 134.92). *Comment.* Two comments suggested that private school children should be counted on the basis of residence.

Response. Section 406 of the Act provides that local educational agencies are required to provide benefits under Title IV of the Act to private school children "in the school district" of the local educational agency. The statutory language may be interpreted as referring to private school children attending private schools in the school district. There was a general consensus among the several hundred persons representing State and local educational agencies and private schools who participated with Department of Health, Education, and Welfare employees in the developmental phase of the regulations that it would not be feasible to have several local educational agencies attempting to provide services, materials, and equipment to children enrolled in a single private school. For the purpose of establishing feasible and desirable administrative procedures the determination was made that such services, materials, and equipment should be provided by the local educational agency in which the private school is located. In order to receive sufficient funds from the State for such purposes, that local educational agency will need to report to the State all of the private school children who are enrolled in the private school regardless of the place of residence.

33. §134.93 *Expenditures.* (proposed § 134.92). *Comment.* One comment was received which stated that the word "equal" was quoted out of context and that the rest of the appropriate statutory language should also be cited to preserve the context. Another comment asked whether private school children could receive greater than equal funding per child.

Response. The added language of the statute which is the context in which the word "equal" is used is: "Expenditures for programs (for private school children) shall be equal (consistent with the number of children to be served) to expenditures for (public school children), taking into account the needs of the individual children and other factors (pursuant to criteria supplied by the Commissioner) which relate to such expenditures . . ." It is the intent of § 134.94 (proposed § 134.93) to draw attention to the fact that the needs of individual children are to be considered and to set forth the criteria which the Commissioner is supplying. This is the purpose of the opening clause of § 134.93 (proposed § 134.92), which reads: "subject to § 134.94 (proposed § 134.93), * * *" It is the purpose of § 134.94 (proposed § 134.93) to cover a situation where the needs of private school children differ from the needs of public school children. In such a situation, there may be different per pupil funding.

34. § 134.94 *Criteria for adjustment of expenditure.* (proposed § 134.93). *Comment.* Several comments were received concerning the criteria for adjustment of expenditures. One comment suggested that the procedure of requiring equal average expenditures per child subject to adjustments pursuant to § 134.94 (proposed § 134.93) would cause difficult problems in practice. Two comments suggested a change which would require that any adjustments pursuant to § 134.94(a) (proposed § 134.93(a)) not affect assistance to public school children. One of these comments argued that Congress intended expenditures on individual private school children to be adjusted but did not intend any adjustment to affect the average expenditure on private school children. A fourth comment suggested that the State educational agency rather than the local educational agency is in a better position to make determinations of expenditures on private school children. A fifth comment asked what agency is responsible for the needs assessment referred to in this section.

Response. Sections 134.93 and 134.94 (proposed §§ 134.92 and 134.93) of the regulations are based on section 406(b) of the Act. The statute envisions a division of services between public school children and private school children. The above cited sections of the regulation establish the factors to be considered in establishing expenditure levels for such services. The statute prescribes more differentiation in this division than a simple equal average per pupil breakdown. Thus, depending on the needs of private school children and the cost of meeting those needs, the average per pupil expenditure on public school children in any local educational agency could be greater or less than the average per pupil expenditure on private school children. Section 134.94(b) (proposed § 134.93(b)) provides that any variation from equal average per pupil expenditure shall be designed to assure equitable participation of public and private school children. In response to the fourth comment, the statute imposes upon the local educational agency, after consultation with appropriate private school officials, the responsibility of providing services to private school children. This obligation includes the determination of expenditure levels. In response to the fifth comment, the assessment of needs to determine expenditure levels is also the responsibility of the individual local educational agency.

35. § 134.94 *Criteria for adjustment of expenditures.* (proposed § 134.93); § 134.95 *Concentration of programs or projects* (proposed § 134.94). *Comment.* A reviewer asked if the requirements of § 134.94 (a) and (b) (proposed § 134.93 (a) and (b)) mean that after the State establishes its Part B formula and makes a district entitlement, a local educational agency can "adjust" or set its own formula as far as private school children are concerned.

Response. Section 406(b) of the Act requires the local educational agency to take into account the needs of the individual children and other factors (pursuant to criteria supplied by the Commissioner) in determining expenditures for private school children. Section 134.94 is intended to supply the criteria to be used by local educational agencies in making this determination.

36. § 134.95 *Concentration of programs or projects.* (proposed § 134.94) *Comment.* A comment suggested that this section could lead to problems in terms of equity and perhaps be used to exclude private school children.

Response. Sections 134.92, 134.93, 134.94, and 134.95 (proposed §§ 134.91, 134.92, 134.93, and 134.94) need to be considered as a whole, i.e., the number of private school children to be served; equal expenditures, adjustments of expenditures to assure equitable participation; and equitable participation in cases of concentration of programs or projects. In all instances there must be equitable participation of private school children in compliance with section 406 of the Act. It should be noted that this section repeats statutory language from section 406(b) of the Act. Changes in the section would therefore not be appropriate.

37. § 134.97 *Information in the project application. Comment.* Several reviewers objected to the requirements of § 134.97, stating that it exceeded statutory authority. One commenter suggested that States should be free to develop the content of the project application. Two reviewers felt that if the information was otherwise available, it should not be required in the application. Two comments stated that the application should indicate whether or not services, materials, and equipment for the use of private school children were to be provided in one or more private schools, and if not, the reasons why it was necessary to provide the "other arrangements" referred to in § 134.96(b).

Response. Section 134.97 is intended to provide the State educational agency with sufficient information to determine if private school children are being provided "equitable participation" under Title IV of the Act. Even though some information required by § 134.97, e.g., enrollment data, may be available elsewhere in the State educational agency, it is necessary to provide the information on the application so that reviewers will have all the information needed for the review. Most of the information required by this section to be in the local educational agency's application relates to the proposed provision of services to private school children and therefore would not be available to the State educational agency unless provided in the application. It is assumed that the State and local educational agencies will cooperate in compiling the necessary information.

38. § 134.99 *Limitations on personnel providing services. Comment.* One comment was received which asked if the term "independent" referred to any religious organization which has a formal relationship to the particular private school in question. A second comment asked if members of the clergy may be employed by public agencies to provide services to private school children.

Response. The statute provides that the employees of the public agency (or the contractor) who provide services must be independent of the private school and of any religious organization "in the provision of such services." Whether a particular situation would give rise to a problem under this requirement would be determined in light of all the facts of the case, and would be considered at that time.

39. § 134.101 *Avoidance of separate classes. Comment.* Two comments received suggested that if this section were not required for civil rights purposes it should be deleted. They went on to state that equitable services could be provided in separate classes and also might be administratively more feasible.

Response. There does not appear to be any reason why joint participation in a project should involve separation on the basis of religion or school enrollment. Further, the purpose of Title IV programs is not administrative feasibility but educational service. Therefore, there is no change in the language of the proposed rule. It should be noted that this provision appears in regulations for other Office of Education programs which have similar statutory requirements for the participation of private school children.

40. § 134.102 *Complaint procedure. Comment.* A comment questioned the authority in the law for any person to file a complaint. The reviewer suggested that complaint procedures should be limited to parents of affected private school children and that private school and public school officials confer before complaints are sent to the State.

Response. Opportunities to file a formal complaint should not be limited to parents of affected children. The State educational agency is responsible for monitoring operation of the program and should have the benefit of whatever sources of information might be of assistance. The objective is to set any formal complaint before the appropriate State officials so that an investigation can be made. The State is required to provide assurances that the requirements of section 406 of the Act will be met. The complaint procedure is one of the means by which the State fulfills its responsibilities under the assurance.

41. § 134.107 *Cost of services under an arrangement by the State educational agency or the Commissioner. Comment.* A comment was received which suggested that a third paragraph be added which would provide that the "cost of such services" as used in the regulation would include the cost of administering the services if the State educational agency and/or the Commissioner so desires.

Response. The "cost of such services" includes the cost of administering the arrangement to provide services to private school children. There is, therefore, no need to change this regulation.

42. § 134.108 *Suspension and termination. Comment.* A reviewer suggested that § 134.108 should be modified to give meaning and effect to section 406(b) of the Act. The reviewer disagreed with the interpretation of the comment following this section of the regulations, that the Commissioner would be required to cut off all funds if there is a substantial failure to comply with section 406 of the Act, stating that Congress intended private school children to receive services in such a case through the Commissioner, without the denial of all services to all children by cutting off funds.

Response. The comment following § 134.108 was intended to make clear that in cases where there is substantial failure to serve private school children, no waiver can be granted and the local educational agency would lose its Title IV funds for the affected part of the Act. However, under the authority of section 406(e) of the Act and §§ 134.105–134.107 of the regulations, the State educational agency or the Commissioner would arrange for the provisions of services to the affected private school children.

43. § 134a.2 *Authorized activities (Part B). Comment.* A comment was received suggesting that provisions should be made in the regulations for inservice education for librarians, media specialists, and teachers under section 421(a)(1) of the Act, such as those made for persons engaged in guidance and counseling programs in § 134a.2(c)(3) of the proposed regulations. A second comment suggested that funds be specifically set aside under § 134a.2(a) for the use of school library resources and a third suggested that States should be allowed to restrict expenditures for textbooks as they did under ESEA Title II if there is less need for them than for other eligible items. Another comment stated that the enumeration of activities in § 134a.2(c)(2) limits activities in that area and goes beyond legislative intent. Another commenter noted that § 134a.2(a) specifically refers to private elementary and secondary schools but §§ 134a.2 (b) and (c) refer only to elementary and secondary schools.

Response. Section 421(a)(3)(b)(iii) and (C) of the Act makes specific provision for inservice education for persons engaged in counseling and guidance programs; however, Section 421(a)(1) of the Act makes no such provisions for training librarian, media specialists, and teachers. To allow amounts to be set aside for school library resources or to restrict the acquisition of textbooks, or to place any restrictions on local educational agencies in the use of funds allotted under Part B of Title IV of the Act would be in violation of section 403(a)(5) of the Act which gives local educational agencies complete discretion over the division of funds among the various programs described in section 421 of the Act, except that in the first year, discretion is given with respect to only 50 percent of the funds allotted. With respect to the next comment, § 134a.2 is a direct quotation from section 421(a) of the Act; the regulation therefore is not changed. As for the last comment, it is the interpretation of the Office of Education that the use of the term "elementary and secondary schools" in section 421(a)(3) and (4) of the Act and § 134a.2(b) and (c) refers to private nonprofit elementary and secondary schools as well as public elementary and secondary schools.

44. § 134a.3 *Use of funds. Comment.* Thirteen comments were received on § 134a.3(a) of the proposed rules. Except for one, these comments objected to the section and felt it should be deleted because of lack of statutory authority. Several reviewers felt that monitoring funds for audit purposes would be expensive. One comment stated that this section restricts local educational agencies from channeling funds into one school. Another comment stated that the section limited the sole discretion provided in § 134.15 and that the requirement of § 134a.3(a) was authorized in § 134.94. Two comments stated that § 134a.3(a) was mislabeled, since it in fact provided a limit on the use of funds. Two comments stated that the criteria to establish "educational needs" provided in § 134a.3(b) should be established by the State educational agency with the advice of the State advisory council and local educational agencies. These reviewers felt that the criteria established should be included in the annual program plan and become part of the evaluation design required in § 134.16.

Response. With respect to the first comment, section 403(a)(4)(A)(ii) of the Act requires that a substantial amount of the funds appropriated under section 401(a) of the Act be distributed to local educational agencies with the greatest numbers or percentages of children whose education imposes a higher than average cost. It is within the discretion of the Office of Education to establish a policy that funds earned by a local educational agency because of the presence of children whose education imposes a higher than average cost be spent on those children. Costs for monitoring the expenditure of these funds can be paid from administration funds. With respect to the comment that § 134a.3(b) restricts local educational agencies from channeling funds into one school, it should be noted that § 134a.3(b) specifically allows (but does not require) local educational agencies to concentrate in one or more schools according to educational need the funds earned through enrollment and relative tax effort. As for the third comment, no limit is placed by § 134a.3 on the services, materials, or equipment to be acquired by local educational agencies with Part B funds. The only limit placed by § 134.3 on the use of funds is the requirement that funds earned because of the presence of children whose education imposes a higher than average cost be spent on these children; the purpose of § 134a.3 is to set forth requirements relating to the provisions of section 403(a)(4)(A) of the Act and § 134.14(a)(1) and (b) of the regulations. Section 134.15 (proposed § 134.94) relates to the requirements of section 406 of the Act. With respect to the last group of comments, to allow State educational agencies to establish criteria for the use of local educational agencies in deciding on the use of Part B funds would violate the provisions of section 403(a)(5) of the Act.

45. § 134a.5 *Allowable costs. Comment.* Five comments were received suggesting that in § 134a.5(a), the word "shall" should be changed to "may." Another reviewer stated that the costs referred to in this section are part of indirect costs and questioned whether the funds referred to in § 134a.5 could be used for inventory, distribution, and audit costs.

Response. The Office of Education accepts the first suggestion and has made the change in § 134a.5(a). Indirect costs are a method of calculating those costs for administration which are not readily subject to treatment as direct costs. The costs referred to in § 134a.5 are for costs of acquisition, including costs of processing materials and equipment and the installation of equipment. These costs may be paid from funds allotted to local educational agencies for the acquisition of services, materials, and equipment under section 421 of the Act. If State educational agencies make State administrative funds available to local educational agencies under § 134a.11 for the distribution and control of school library resources, textbooks, and other instructional materials, such funds could be used for inventory and distribution. Audit costs of the State relating to the services, materials, and equipment acquired by local educational agencies under section 421 of the Act could be paid from funds made available for administration of the annual program plan.

46. § 134a.10 *Consideration of the areas of occupational education. Comment.* Seven comments were received saying that the requirement of § 134a.10 that the State educational agency develop specific criteria to be used by local educational agencies in acquiring school library resources, textbooks, and other instructional materials under section 421(a)(1) of the Act so as to give consideration to the needs for instruction, orientation, and guidance and counseling in occupational education is not required by the Act. One of these reviewers said that the requirement would limit a local edu-

cational agency's ability to meet the varied needs of children. Another reviewer said that the requirement was provided for under the authority of §§ 134.15 and 134a.2(c).

Response. This requirement was added to Title II of the Act by Section 509(a) (1) of the Education Amendments of 1972 (Pub. L. 92-318). This purpose is incorporated in Title IV regulations under the authority of Section 421(b) of the Act which provides: "It is the purpose of this part to combine within a single authorization, subject to the modifications imposed by the provisions and requirements of this title, the programs authorized by Title II and so much of Title III as relates to testing, counseling, and guidance, of this Act, and Title III (except for section 305 thereof) of the National Defense Education Act of 1958, and funds appropriated to carry out this part must be used only for the same purposes and for the same type of programs authorized under those provisions." This section is not intended to limit the complete discretion of local educational agencies (set forth in section 403(a)(5) of the Act) in determining how the funds it receives from appropriations made under Part B of Title IV of the Act will be divided among the various programs described in section 431(a) of the Act.

47. § 134a.11 *Administrative costs of local educational agencies. Comment*. A comment was received suggesting that §§ 134a.4 and 134a.11 appear to be inconsistent and that the regulations should state clearly that the costs of administration referred to in §134a.11 must be paid out of State administration funds which are made available to local educational agencies.

Response. The Office of Education has expanded § 134a.11 to clarify the fact that State educational agencies may, but are not required to, make available to local educational agencies from funds for administration of the annual program plan, the costs of distribution and control by a local educational agency of school library resources, textbooks, and other instructional materials acquired under § 134a.2(a) for the use of children and teachers in public and private elementary and secondary schools. This purpose was authorized in the ESEA Title II program under section 203 (a) (B) (II) of the Act and is incorporated in Title IV regulations under the authority of section 421 (b) of the Act which provides: "It is the purpose of this part to combine within a single authorization, subject to the modifications imposed by the provisions and requirements of this title, the programs authorized by Title II and so much of Title III as relates to testing, counseling, and guidance, of this Act and Title III (except for section 305 thereof) of the National Defense Education Act of 1958, and funds appropriated to carry out this part must be used only for the same purposes and for the same types of programs authorized under those provisions."

48. § 134a.20 *Expansion or improvement of services. Comment*. A reviewer questioned the meaning of "other authorized activities" in § 134a.12 which permits the State to use funds it receives for administration of Part B of Title IV of the Act for expansion or improvement of supervisory or related services in public and private elementary and secondary schools, as well as other authorized activities.

Response. This provision was authorized in the NDEA Title III program under Section 303(a)(5)(A) and is incorporated in Title IV regulations under the authority of section 421(b) of the Act for the reasons set forth in the responses to the comment on § 134a.10 above.

49. § 134b.2 *Authorized activities. Comment*. Two comments were received stating that the authorized activities in § 134b.2 expand upon the intent of Congress without legislative authority from the statute. A third reviewer suggested that the phrase "subject to the provisions of section 406 of the Act" be added to § 134b.2 to insure that private school children participate in the benefits of section 431(a) (1), (2), and (4) of the Act.

Response. The authorized activities in § 134b.2 (a), (b), and (c) are direct quotations from section 431(a) (1), (2), and (3) of the Act, and do not constitute an expansion of the intent of the Congress. The regulation therefore is not changed. In response to the final comment, the provisions of section 406 of the Act apply to programs supported under the authority of section 431(a) (1), (2), and (4). It is not considered necessary to include such a provision in § 134b.2.

50. § 134b.10 *Activities. Comment*. Twelve comments were received with respect to this section. Nine comments stated that the section should be deleted or revised because it exceeded the statutory language of section 431(a)(1) of the Act. One reviewer suggested that the first sentence of § 134b.10 be changed to read: "Activities under § 134b.2(a) may include . . ." thereby dropping the word "only." A comment suggested that the adult education services referred to in § 134b.10(c)(2) are no longer a proper purpose under Title IV.

Response. The statutory authority for the activities listed under § 134b.10 is section 431(b) of the Act, which provides: "It is the purpose of this part to combine within a single authorization subject to the modifications imposed by the provisions and requirements of this title, the programs authorized by Title III (except for programs of testing, counseling, and guidance) and Title V and sections 807 and 808 of this Act, and funds appropriated to carry out this part must be used only for the same purposes and for the same types of programs authorized under those provisions." Therefore it is appropriate to set forth the purposes from section 303(b)(3) of the Act in these regulations, and to retain the reference to adult education services is a proper purpose. The first sentence of § 134b.10 has been modified by substituting the word "are" for "may only include." The latter change is not intended to change the meaning of the regulation which repeats statutory language.

51. § 134b.20 *Health and nutrition projects. Comment*. One comment was received which objected to the requirement that a private educational organization could be funded only through a contract with a local educational agency.

Response. This requirement was included in the regulations since the sections 403(a)(4)(B) and 403(a)(8)(A) of the Act provide for applications from local educational agencies only. The proposed rules provide a means whereby private organizations may receive Federal funds to conduct a demonstration project. Therefore, there is no need to make a change in this section.

52. § 134b.30 *State educational agency activities:* § 134b.40 *Local educational agency activities:* § 134b.50 *Comprehensive educational planning and evaluation activities. Comment*. Nine comments were received which suggested that these sections of the proposed rules should be deleted as exceeding the intent of the legislation. One comment suggested that, in § 134b.30(j), the first word "and" should be replaced by the word "or."

Response. The statutory authority for the activities listed in these three sections is contained in Section 431(b) of the Act. Since the language in these sections is copied directly from sections 503, 523, and 532 of Title V of the Act, the specific change of "or" for "and" is not proper. Therefore, no changes are made in the proposed rules.

B. *Other changes*. 1. Several typographical and technical corrections have been made. 2. The definition of "minor remodeling" in § 134.2 has been changed to clarify the fact that minor remodeling is permitted where necessary to make use of any instructional equipment eligible under section 421(a)(2) of the Act. 3. Section 134.12(c) has been amended to require that the description in the annual program plan of activities for strengthening the State educational agency under section 431(a)(3) of the Act include the results or benefits expected to be derived from each objective. 4. Section 134.102(a) has been amended to require that any written complaint filed with the State educational agency with respect to any Title IV project by an organization or individual be signed. 5. Section 134.102(b) has been amended to require that a copy of any report filed with the Commissioner with respect to a written complaint be sent to the affected local educational agency. 6. Section 134.102(c) has been amended to require the Commissioner to review matters related to a complaint, if after the sixty-day period has elapsed, the affected local educational agency feels that the problem has not been satisfactorily resolved. 7. Section 134a.11 has been amended to clarify the fact that a State educational agency may, but is not required to, make available to local educational agencies from funds available for the administration of the annual program plan, the costs of distribution and control by a local educational agency of school library resources, textbooks, and other instructional materials acquired under § 134a.2 (a).

C. *Effective date.* Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance Program Nos. 13.570–13.571; Libraries and Learning Resources, Education Innovation and Support)

Dated: September 22, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: November 7, 1975.

DAVID MATHEWS,
Secretary of Health,
Education, and Welfare.

Title 45 of the Code of Federal Regulations is amended as follows:

PART 100c—INDIRECT COSTS UNDER CERTAIN PROGRAMS

1. Section 100c.1 is revised by adding a new paragraph (o-1), to read as follows:

§ 100c.1 Scope.

* * * * *

(o-1) Part C of Title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 1821);

* * * * *

2. New Parts 134, 134a, and 134b are added, to read as follows:

PART 134—LIBRARIES AND LEARNING RESOURCES; EDUCATIONAL INNOVATION AND SUPPORT

Subpart A—General

Sec.
134.1 Scope of part.
134.2 Definitions.
134.3 General provisions regulations.

Subpart B—Annual Program Plans

GENERAL

134.10 Submission.

PROVISIONS TO BE INCLUDED IN ANNUAL PROGRAM PLAN

134.11 State educational agency.
134.12 Allowable expenditures.
134.13 Participation of children and teachers in private schools.
134.14 Distribution of funds to local educational agencies.
134.15 Part B funds; discretion of local educational agencies.
134.16 Evaluation, dissemination, and adoption of promising practices.
134.17 Single application from a local educational agency.
134.18 Use of funds.
134.19 Use and access by handicapped persons.
134.20 Commingling of funds.
134.21 Maintenance of expenditure from non-Federal sources.

REQUIREMENTS RELATING TO CERTAIN ANNUAL PROGRAM PLAN PROVISIONS

134.27 Application by a local educational agency.

Sec.
134.40 State administrative funds in fiscal year 1976.
134.41 Data relating to maintenance of expenditures from non-Federal sources.

Subpart C—State Advisory Council

134.50 Establishment.
134.51 Membership.
134.52 Certification and qualification of members.
134.53 Advisory functions.
134.54 Notification of acceptance of certification.
134.55 Evaluation of programs and projects.
134.56 Report to the Commissioner.

Subpart D—Outlying Areas; Departments of Defense and Interior

134.70 Annual program plans.
134.71 Application procedures.
134.72 Single application.
134.73 Distribution of funds on the basis of educational needs.
134.74 Apportionment of funds.

Subpart E—Administration

134.80 Allowable costs.
134.81 Standards for selection of personal property.
134.82 Charges for use.

Subpart F—Participation by Children Enrolled in Private Schools

134.89 Scope of subpart.
134.90 Consultation with private school officials.
134.91 Benefits.
134.92 Number of private school children to be served.
134.93 Expenditures.
134.94 Criteria for adjustment of expenditures.
134.95 Concentration of programs or projects.
134.96 Separate compliance for Parts B and C.
134.97 Information in the project application.
134.98 Control by public agency.
134.99 Limitations on personnel providing services.
134.100 Private schools not to benefit.
134.101 Avoidance of separate classes.
134.102 Complaint procedure.
134.103 Award of subgrants to local educational agencies.
134.104 Waiver in the case of legal prohibition.
134.105 Provision of services by the State educational agency.
134.106 Provision of services by the Commissioner.
134.107 Cost of services under an arrangement by the State educational agency or the Commissioner.
134.108 Suspension and termination.
134.109 Notice; opportunity for hearing; judicial review.

AUTHORITY: Title IV, Pub. L. 89-10, as amended, 88 Stat. [illegible] (20 U.S.C. 1801–1852), unless otherwise noted.

Subpart A—General

§ 134.1 Scope of part.

(a) This part applies to the Federal programs authorized by Title IV of the Act.

(b) Regulations which apply specifically to Part B of Title IV of the Act are set forth in Part 134a of this chapter.

(c) Regulations which apply specifically to Part C of Title IV of the Act are set forth in Part 134b of this chapter.

(20 U.S.C. 1801)

§ 134.2 Definitions.

As used in this part and Parts 134a and 134b of this chapter:

"Academic subjects" includes, but is not limited to, the following elementary and secondary school subjects: The arts, civics, economics, English, geography, history, the humanities, industrial arts, mathematics, modern foreign languages, reading, and science.

(20 U.S.C. 1801(a)(2))

"Act" means the Elementary and Secondary Education Act of 1965, as amended.

(20 U.S.C. 1801)

"Children who do not complete their secondary school education" means children who were enrolled during a regular school term in an elementary or secondary school and withdrew before graduating from secondary school or before completing an equivalent program of studies. The term includes such an individual (a) whether he or she left school during or between regular school terms, (b) whether he or she left school before or after reaching the compulsory school attendance age, and (c) where applicable, whether or not he or she completed a minimum required amount of school work.

"Children with specific learning disabilities" means those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such terms does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental disadvantage.

(20 U.S.C. 1808(a)(8)(B))

"Construction" means: (a) the erection of new or expansion of existing structures, and the acquisition and installation of equipment therefor; (b) the acquisition of existing structures not owned by the local educational agency making application for assistance under section 431(a)(1) of the Act; (c) the remodeling or alteration (including the acquisition, installation, modernization, or replacement of equipment) of existing structures; or (d) a combination of any two or more of the foregoing.

(20 U.S.C. 1801(a)(1))

"Cultural and educational resources" includes: State educational agencies, local educational agencies, private nonprofit elementary and secondary schools, institutions of higher education, public and nonprofit agencies such as libraries, museums, musical and artistic organizations, educational radio and television, and other cultural and educational resources.

(20 U.S.C. 1832)

"Handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or otherwise health impaired children, who by reason thereof require special education and related services. The term includes children with specific learning disabilities to the extent that such children are health impaired children who by reason thereof require special education and related services.

(20 U.S.C. 1803(a)(2)(B))

"Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(20 U.S.C. 1803(a)(4))

"Minor remodeling" (notwithstanding the definition set forth in § 100.1 of this chapter) means minor alterations which are (a) made in a previously completed building used or to be used as a laboratory or classroom for instructional subjects, and (b) needed to make effective use of equipment in providing instruction in such subjects. The term does not include building construction, structural alterations to buildings, or building maintenance, repair, or renovation.

(20 U.S.C. 1821(a)(2))

"Outlying Areas" means each of the following: Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 1802(a))

"School library resources" are books, periodicals, documents, pamphlets, photographs, reproductions, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, including but not limited to those on discs and tapes; processed slides, transparencies, films, filmstrips, kinescopes, and video tapes, or any other printed and audiovisual materials of a similar nature made by any method now developed or hereafter to be developed, and which are processed and organized for use by elementary or secondary school children and teachers. The term includes those printed and published materials which are suitable for use and are to be used by children and teachers in elementary or secondary schools, and which with reasonable care and use may be expected to last more than one year. The term does not include furniture or equipment.

(20 U.S.C. 1821(a)(1))

"State," except as used in § 134.14, means the several States in the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 1802(a))

"State advisory council" means the advisory council established under section 403(b) of the Act.

(20 U.S.C. 1803(b))

"State educational agency" means the State board of education or other agency or officer primarily responsible for State supervision of public elementary and secondary schools.

(20 U.S.C. 1803(a)(1))

"Teacher" includes any person who is engaged in carrying out the instructional program of an elementary or secondary school, including a principal, guidance counselor, school librarian/media specialist, or other member of the instructional staff.

(20 U.S.C. 1812(a))

"Testing" means the use of tests which measure abilities, educational achievement, interests, or aptitudes pertaining to an individual's educational or career development.

(20 U.S.C. 1821(a)(3)(A))

"Textbook" means a book, reusable workbook, or manual, whether bound or in looseleaf form, intended for use as a principal source of study materials for a given class or group of students, a copy of which is expected to be available for the individual use of each student in such class or group.

(20 U.S.C. 1821(a)(1))

§ 134.3 General provisions regulations.

Assistance under Title IV of the Act is subject to applicable provisions contained in subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters).

(20 U.S.C. 1801)

Subpart B—Annual Program Plans

GENERAL

§ 134.10 Submission.

(a) Any State which desires to receive grants under Title IV of the Act shall submit to the Commissioner an annual program plan in such detail as the Commissioner deems necessary.

(20 U.S.C. 1232c(b)(1)(A)(i); 1803(a))

(b) The annual program plan shall contain the provisions set forth in this subpart and section 434(b)(1)(B)(ii) of the General Education Provisions Act, as amended.

(20 U.S.C. 1232c(b)(1)(B)(ii); 1803(a))

Comment. Section 434(b) of the General Education Provisions Act (added by Section 511 of Pub. L. 93-380, enacted August 21, 1974) provides for the submission by each State of (1) a general application containing five assurances, and (2) an annual program plan for each Office of Education program under which funds are provided to local educational agencies through, or under the supervision of, the State educational agency. Regulations governing submission of these documents will be published in the FEDERAL REGISTER as amendments to the Office of Education General Provisions Regulations (45 CFR Part 100b, which applies to the State-administered programs). Under section 434(b) and the implementing regulations, the submission of the general application and an annual program plan will be in lieu of submission of a State plan for Title IV. The provisions to be included in the annual program plan for Title IV are set forth in proposed §§ 134.11–134.21 of these regulations and Section 434(b)(1)(B)(ii) of the General Education Provisions Act, which states that each annual program plan shall "set forth a statement describing the purposes for which Federal funds will be expended during the fiscal year for which the annual program plan is submitted."

PROVISIONS TO BE INCLUDED IN ANNUAL PROGRAM PLAN

§ 134.11 State educational agency.

The annual program plan shall designate the State educational agency as the State agency which shall, either directly or through arrangements with other State or local public agencies, act as the sole agency for the administration of the annual program plan.

(20 U.S.C. 1803(a)(1))

§ 134.12 Allowable expenditures.

(a) The annual program plan shall set forth a program under which funds paid to the State from its allotments under section 402 of the Act will be expended solely for the programs and purposes authorized by Parts B and C of Title IV of the Act, and for administration of the annual program plan.

(20 U.S.C. 1803(a)(2))

(b) The annual program plan shall include a detailed description of activities planned for the purposes authorized under section 431(a) (1), (2), and (4) of the Act and for the purpose of strengthening local educational agencies under section 431(a)(3) of the Act. This description shall include: (1) specific objectives, (2) the specific activities planned to achieve each such objective, (3) the affected populations, and (4) the estimated amount of funds allocated to meet each such objective.

(20 U.S.C. 1803(a))

(c) The annual program plan shall include a detailed description of activities planned for the purpose of strengthening the State educational agency under section 431(a)(3) of the Act. This description shall include: (1) specific objectives, (2) the specific activities planned to achieve each such objective, (3) the results or benefits expected to be derived, (4) the estimated amount of funds allocated to meet each such objective, and (5) with respect to each such objective, an indication whether the State educational agency intends to contract for services or equipment.

(20 U.S.C. 1803(a))

(d) The annual program plan shall include (1) a detailed description of the activities to be carried out by the State advisory council and (2) the estimated amount of funds which will be provided for each such activity from funds available for administration of the annual program plan.

(20 U.S.C. 1803 (a), (b)(4))

Comment. Section [illegible](b)(6) of the Act requires the Commissioner to assure that funds sufficient for the functions of the State advisory council "are made available to each council from funds available for administration of the [annual program] plan." The information asked for in § 134.12(d) is designed to serve this purpose, and is deemed to be the type of "detail" which the Commissioner is authorized to require in the annual program plan, which shall be "in such detail as the Commissioner deems necessary." (section 403(a) of the Act.)

§ 134.13 Participation of children and teachers in private schools.

(a) The annual program plan shall provide assurances that the requirements of section 406 of the Act (relating to the participation of pupils and teachers in private nonprofit elementary and secondary schools) will be met, or shall certify that such requirements cannot be met in such State.

(20 U.S.C. 1803(a)(3); 1806(a))

(b) A certification that a State cannot legally meet the requirements of section 406 of the Act shall be made by the State attorney general or other appropriate legal officer.

(20 U.S.C. 1803(a)(3))

§ 134.14 Distribution of funds to local educational agencies.

(a) The annual program plan shall provide assurance that:

(1) funds which the State educational agency receives from appropriations made under section 401(a) of the Act will be distributed among local educational agencies according to the enrollments in public and nonpublic schools within the school districts of such agencies, except that substantial funds will be provided to: (i) local educational agencies whose tax effort for education is substantially greater than the State average tax effort for education, but whose per pupil expenditure (excluding payments made under Title I of the Elementary and Secondary Education Act) is no greater than the average per pupil expenditure in the State, and (ii) local educational agencies which have the greatest number or percentages of children whose education imposes a higher than average cost per child, such as children from low-income families, children living in sparsely populated areas, and children from families in which English is not the dominant language; and

(2) funds which the State educational agency receives from appropriations made under section 401(b) of the Act will be distributed among local educational agencies on an equitable basis recognizing the competitive nature of the grantmaking except that the State educational agency shall provide assistance in formulating proposals and in operating programs to local educational agencies which are less able to compete due to small size or lack of local financial resources.

(b) The annual program plan shall set forth the specific criteria the State educational agency has developed and will apply to meet the requirements of paragraph (a) of this section.

(20 U.S.C. 1803(a)(4))

§ 134.15 Part B funds; discretion of local educational agencies.

The annual program plan shall provide that each local educational agency will be given complete discretion (subject to the provisions of section 406 of the Act) in determining how the funds it receives from appropriations made under section 401(a) of the Act will be divided among the various programs described in section 421 of the Act except that, in the first year in which appropriations are made pursuant to Part B of Title IV of the Act each local educational agency will be given complete discretion with respect to 50 per centum of the funds appropriated for that part attributable to that local educational agency.

(20 U.S.C. 1803(a)(5))

§ 134.16 Evaluation, dissemination, and adoption of promising practices.

(a) The annual program plan shall provide for the adoption of effective procedures (1) for an evaluation by the State advisory council, at least annually, of the effectiveness of the programs and projects assisted under the annual program plan, (2) for the appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects, and (3) for the adoption, where appropriate, of promising educational practices developed through innovative, programs supported under part C of Title IV of the Act.

(20 U.S.C. 1803(a)(6))

(b) The annual program plan shall include a description of and calendar for each of the activities set forth in paragraph (a) of this section.

(20 U.S.C. 1803(a))

§ 134.17 Single application from a local educational agency.

The annual program plan shall provide that local educational agencies applying for funds under Title IV of the Act shall be required to submit only one application for such funds for any one fiscal year.

(20 U.S.C. 1803(a)(7))

§ 134.18 Use of funds.

The annual program plan shall provide that:

(a)(1) of the funds the State receives under Section 401 of the Act for the first fiscal year for which such funds are available, the State educational agency will use for administration of the annual program plan not to exceed whichever is greater: (i) 5 per centum of the amount so received ($50,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), excluding any part of such amount used for purposes of section 431(a)(3) of the Act or (ii) the amount it received for the fiscal year ending June 30, 1973, for administration of the programs referred to in section 421(b) and 431(b) of the Act and the remainder of such funds shall be made available to local educational agencies to be used for the purposes of parts B and C, respectively of Title IV of the Act, and

(2) of the funds the State receives under section 401 of the Act for fiscal years thereafter, it will use for administration of the annual program plan not to exceed whichever is greater: (i) 5 per centum of the amount so received ($50,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), excluding any part of such amount used for purposes of section 431(a)(3) of the Act or (ii) $225,000, and the remainder of such funds shall be made available to local educational agencies to be used for purposes of parts B and C, respectively of Title IV of the Act;

(b) not less than 15 per centum of the amount received pursuant to section 401(b) of the Act in any fiscal year (not including any amount used for purposes of section 431(a)(3) of the Act) shall be used for special programs or projects for the education of children with specific learning disabilities and handicapped children, and

(c) not more than the greater of (1) 15 per centum of the amount which such State receives pursuant to section 401(b) of the Act in any fiscal year, or (2) the amount available by appropriation to such State in the fiscal year ending June 30, 1973, for purposes covered by section 431(a)(3) of the Act shall be used for purposes of section 431(a)(3) of the Act (relating to strengthening State and local educational agencies).

(20 U.S.C. 1803(a)(8))

Comment. The following example shows how the set-asides referred to in the above section should be calculated:

Assume that a State has an allotment of $1 million for Part B and an allotment of $1 million for Part C.

The set-aside for section 431(a)(3) purposes should be calculated first since this amount is deducted from the base figure for calculating the set-asides for administration and for the education of children with specific learning disabilities and handicapped children. The State may use for the purpose of strengthening State and local educational agencies an amount not to exceed the greater of: (1) 15 percent of the State's Part C allotment or (2) the amount available to that State for section 431(a)(3) purposes in fiscal year 1973. Assuming that the 15 percent figure is the larger and assuming the full 15 percent is used for this purpose, the set-aside would be $150,000 in this example.

The next set-aside to be calculated is the 5 percent maximum for administration. In the present example, this would be 5 percent of the $1 million for Part B plus 5 percent of the remaining $850,000 for Part C. (It should be noted that the statute provides that in the first year of consolidation a State can use up to the amount available to that State in fiscal year 1973 for administration of the categorical programs if this amount is greater than the 5 percent figure. In subsequent years the State can use for administration up to the 5 percent figure referred to above or

$225,000, whichever is greater. For the purposes of this example, the 5 percent figure is used to calculate the amount available for State administration.) Thus, in the example, administrative expenses cannot exceed $50,000 for administration of Part B and $42,500 for administration of Part C.

The last set-aside to be calculated is 15 percent (as a minimum) of the Part C allotment (after the set-aside for strengthening State and local educational agencies is taken out) for special programs or projects for the education of children with specific learning disabilities and handicapped children. In this example, the 15 percent set-aside would be calculated against $850,000 and would equal $127,500.

In the example, therefore, of the $1 million allotted for Part B, $50,000 is available for administration and the remaining $950,000 is available for program purposes.

Of the $1 million allotted for Part C, assuming $150,000 is set aside for strengthening State and local educational agencies and assuming $42,500 is set aside for administration of the annual program plan for Title IV, $807,500 ($1 million—($150,000 + $42,500)) is available for program purposes, and of that amount at least $127,500 is for programs for the handicapped.

§ 134.19 Use and access by handicapped persons.

The annual program plan shall provide assurances that in the case of any project for the repair, remodeling, or construction of facilities, that the facilities shall be accessible to and usable by handicapped persons.

(20 U.S.C. 1803(a)(9))

§ 134.20 Commingling of funds.

The annual program plan shall set forth policies and procedures which give satisfactory assurance that Federal funds made available under Title IV of the Act for any fiscal year will not be commingled with State funds.

(20 U.S.C. 1803(a)(10))

§ 134.21 Maintenance of expenditures from non-Federal sources.

The annual program plan shall give satisfactory assurance that the aggregate amount to be expended by the State and its local educational agencies from funds derived from non-Federal sources for programs described in section 421(a) of the Act for a fiscal year will not be less than the amount so expended for the preceding fiscal year.

(20 U.S.C. 1803(a)(11))

Requirements Relating to Certain Annual Program Plan Provisions

§ 134.37 Application by a local educational agency.

(a) The application by a local educational agency under § 134.17 shall be submitted to the State educational agency in accordance with such instructions and forms as the State educational agency may prescribe, consistent with the requirements of Title IV of the Act, this part, and Parts 134a and 134b of this chapter.

(b) The submission of a single application under § 134.17 shall not preclude the State educational agency from making separate subgrants under Parts B and C of Title IV of the Act to the local educational agency.

(20 U.S.C. 1803(a)(7); H. Rept. No. 93-805, p. 26 (1974))

§ 134.38 State administrative funds in fiscal year 1976.

(a) Funds provided under § 134.18(a) for administration of the annual program plan shall be used only for the administration of the State's annual program plan under Title IV of the Act.

(b) Funds for State administration in fiscal year 1976 of Titles II and III of the Elementary and Secondary Education Act of 1965 and Title III-A of the National Defense Education Act of 1958 may be drawn from the respective allotments for such programs under section 401(c) (1) and (2) of the Act, subject to any applicable limitations on State administrative funds set forth in such Acts.

(20 U.S.C. 1801; 1803(a)(6))

§ 134.41 Data relating to maintenance of expenditures from non-Federal sources.

The State educational agency shall collect and maintain data to verify compliance with the provision set forth in § 134.21, and make such data available to the Commissioner on request.

(20 U.S.C. 1803(a)(11))

Subpart C—State Advisory Council

§ 134.50 Establishment.

Any State which desires to receive grants under Title IV of the Act shall establish an advisory council as provided in section 403(b) of the Act.

(20 U.S.C. 1803(a))

§ 134.51 Membership.

The membership of the State advisory council shall be broadly representative of the cultural and educational resources of the State and of the public, and shall include at least one person representative of each of the following:

(a) public elementary and secondary schools;

(b) private elementary and secondary schools;

(c) institutions of higher education;

(d) fields of professional competence in dealing with children needing special education because of physical or mental handicaps;

(e) fields of professional competence in dealing with children needing special education because of specific learning disabilities;

(f) fields of professional competence in dealing with children needing special education because of severe educational disadvantage;

(g) fields of professional competence in dealing with children needing special education because of limited English-speaking ability;

(h) fields of professional competence in dealing with children needing special education because they are gifted or talented; and

(i) fields of professional competence in guidance and counseling.

(20 U.S.C. 1803(b)(1)(A); H. Rept. No. 93-805, p. 26 (1974))

§ 134.52 Certification and qualification of members.

(a) The certification required under section 403(b)(2) of the Act shall include the name of each person who is to serve on the State advisory council (including the name of the Chairman), the cultural or educational reources of the State which each person represents, and a statement that the persons appointed are qualified to represent those resources.

(20 U.S.C 1803(b)(2))

(b) The State shall maintain on file, and furnish to the Commissioner at his request, the qualifications of the persons appointed to the State advisory council.

(20 U.S.C. 1803(b)(1)(A))

§ 134.53 Advisory functions.

The State advisory council shall advise the State educational agency on the preparation of, and policy matters arising in the administration of, the annual program plan, including the development of criteria for the distribution of funds and the approval of applications for assistance under Title IV of the Act.

(20 U.S.C. 1803(b)(1)(B))

Comment. This section repeats the statutory language of section 403(b)(1)(B) of the Act. The State advisory council is required to advise on each of the matters set forth in that section: preparation of the annual program plan and policy matters arising in the administration of the annual program plan. The council shall advise regarding the development of criteria for the distribution of funds and shall advise regarding the approval of applications under Title IV of the Act.

§ 134.54 Notification of acceptance of certification.

The Commissioner will provide written notification to the State educational agency and the Chairman of the State advisory council when the certification under Section 403(b)(2) of the Act has been accepted.

(20 U.S.C. 1803(b) (2), (3))

§ 134.55 Evaluation of programs and projects.

(a) The State advisory council shall evaluate all programs and projects assisted under Title IV of the Act at least annually.

(b) Evaluations by the State advisory council shall include the scope and quality of programs and projects for children enrolled in public elementary and secondary schools and private nonprofit elementary and secondary schools.

(20 U.S.C. 1803(b)(1)(C), (D); 1806(a))

§ 134.56 Report to the Commissioner.

The State advisory council shall prepare at least annually and submit through the State educational agency a report of its activities, recommendations, and evaluations, together with such additional comments as the State educational agency deems appropriate, to the Commissioner.

(20 U.S.C. 1806(b)(1)(D))

Subpart D—Outlying Areas; Departments of Defense and Interior

§ 134.70 Annual program plans.

(a) Any Outlying Area which desires to receive funds under Title IV of the Act shall submit an annual program plan which meets the substance of the requirements of Subpart B of this part, except §§ 134.14, 134.16, and 134.17.

(b) The Department of the Interior may apply for funds under section 402 (a)(1) of the Act by submitting an annual program plan (to provide programs authorized by Title IV of the Act to children and teachers in elementary and secondary schools operated by it for Indian children) which meets the substance of the requirements of §§ 134.12(a), 134.16(a) (2) and (3), (b), 134.18(b) and 134.19, and section 434(b) (1)(B)(ii) of the General Education Provisions Act, as amended.

(c) The Department of Defense may apply for funds under section 402(a)(1) of the Act by submitting an annual program plan (to provide programs authorized by Title IV of the Act to children and teachers in its overseas dependents schools) which meets the substance of the requirements of §§ 134.12 (a), 134.16(a) (2) and (3), (b), 134.18 (b), 134.19, and section 434(b)(1)(B) (ii) of the General Education Provisions Act, as amended.

(20 U.S.C. 1802(a)(1))

Comment. Neither the Department of the Interior nor the Department of Defense may use the funds received for Part C programs for activities authorized by section 431(a)(5) of the Act.

§ 134.71 Application procedures.

(a) The Departments of Defense and Interior and the Outlying Areas may designate administrative units to submit applications for funds under Title IV of the Act.

(b) Applications under paragraph (a) of this section shall be submitted to the appropriate Department or Outlying Area in accordance with such instructions and forms as it may prescribe.

(c) Each application under paragraph (a) of this section shall include a description of the purposes for which such funds will be used.

(20 U.S.C. 1802(a)(1))

§ 134.72 Single application.

Administrative units designated under § 134.71(a) shall be required to submit only one application for funds under Title IV of the Act for any one fiscal year.

(20 U.S.C. 1802(a)(1))

§ 134.73 Distribution of funds on the basis of educational needs.

The Departments of Defense and Interior and each Outlying Area, receiving funds under Title IV of the Act, shall use a substantial amount of such funds to provide services, materials, and equipment to schools attended by children having the greatest educational needs for those services, materials, and equipment.

(20 U.S.C. 1802(a)(1))

§ 134.74 Apportionment of funds.

(a) Funds appropriated under section 402(a)(1) of the Act will be apportioned among the Outlying Areas and the Departments of Defense and Interior on the basis of the number of children enrolled in the schools of such Outlying Areas and Departments.

(b) The amount of funds of an Outlying Area or Department under paragraph (a) of this section which the Commissioner determines will not be required for any fiscal year will be reapportioned to the other Outlying Areas and Departments in proportion to their original apportionments for that year.

(20 U.S.C. 1802(a)(1))

Subpart E—Administration

§ 134.80 Allowable costs.

Allowability of costs under Title IV of the Act is governed by Subpart G of Part 100b of this chapter.

(20 U.S.C. 1806(a)(2))

§ 134.81 Standards for selection of personal property.

The State educational agency shall develop standards which may be used by local educational agencies in acquiring, under section 421(a) of the Act, expendable and non-expendable personal property (as defined in § 100.1 of this chapter) of appropriate quality and in appropriate quantities.

(20 U.S.C. 443(a)(4); 888(a)(1)(B)(i); 1806(a)(5); 1821(b); 1831(b))

Comment. This section is not intended to limit the complete discretion of local educational agencies (set forth in section 403(a)(5) of the Act) in determining how the funds it receives from appropriations made under Part B of Title IV of the Act will be divided among the various programs described in section 421 of the Act.

§ 134.82 Charges for use.

No charge shall be levied against children or school personnel for the ordinary use of expendable and nonexpendable personal property acquired under Title IV of the Act.

(20 U.S.C. 1801)

Subpart F—Participation by Children Enrolled in Private Schools

§ 134.89 Scope of subpart.

(a) For the purposes of this subpart, local educational agency means any local educational agency which is a recipient of funds under Title IV of the Act or which serves the area in which a program or project assisted under Title IV of the Act is located.

(b) For the purposes of this subpart, private school children means children who are enrolled in private nonprofit elementary and secondary schools in the school district of a local educational agency to which this subpart applies.

(20 U.S.C. 1806(a))

Comment. Section 406(a) of the Act requires that benefits be provided to private school children by any local educational agency "which is a recipient of funds under" Title IV of the Act "or which serves the area in which a program or project is located." No guidance is provided in the legislation itself or its legislative history as to how a local educational agency which does not receive funds under Title IV is to provide these benefits. Therefore, § 134.89(a) merely repeats the statutory language.

§ 134.90 Consultation with private school officials.

The local educational agency shall consult with appropriate school officials with respect to all matters including planning, relating to the requirements of this subpart prior to making any determinations or decisions affecting such matters.

(20 U.S.C. 1806 (a), (b))

§ 134.91 Benefits.

(a) The local educational agency shall provide for the benefit of private school children secular, neutral, and nonideological services, materials, and equipment authorized under Title IV of the Act, including the repair, minor remodeling, or construction of public school facilities as may be necessary for their provision (consistent with §§ 134.98 and 134.99).

(b) If the local educational agency determines that it is not feasible or necessary to locate the services, materials, and equipment referenced in paragraph (a) of this section in one or more private schools, the local educational agency shall provide such other arrangements as will assure equitable participation of private school children in the purposes and benefits of Title IV of the Act.

(20 U.S.C. 1806(a))

§ 134.92 Number of private school children to be served.

The number of private school children to receive benefits under Title IV of the Act shall be determined by the local educational agency on a basis comparable to that used in determining the number of children enrolled in public schools to receive such benefits.

(20 U.S.C. 1806(a))

§ 134.93 Expenditures.

Subject to § 134.94, the average expenditure per child for private school children who receive benefits under Title IV of the Act shall be equal to the average expenditure per child for children enrolled in public schools who receive such benefits.

(20 U.S.C. 1806(b))

§ 134.94 Criteria for adjustment of expenditures.

(a) The local educational agency shall adjust its average expenditure per private school child if (1) the needs of private school children with respect to benefits under Title IV of the Act differ from such needs of children enrolled in public schools, and (2) the actual cost per child of such benefits to meet the needs of private school children is lesser or greater than the actual cost per child of such benefits to meet the needs of public school children.

(b) Any such adjustments shall be designed to assure the equitable participation of private school children in the purposes and benefits of Title IV of the Act.

(20 U.S.C. 1806(a), (b))

§ 134.95 Concentration of programs or projects.

In addition to the requirements set forth in §§ 134.94 and 134.93, when funds available to a local educational agency under Title IV of the Act are used to concentrate programs or projects on a particular group, attendance area, or grade or age level, private school children who are included within the group, attendance area, or grade or age level selected for such concentration shall be assured equitable participation in the purposes and benefits of such programs or projects.

(20 U.S.C. 1806(b))

§ 134.96 Separate compliance for Parts B and C.

(a) Matters relating to assistance under Part C of Title IV of the Act shall have no bearing on a determination of whether a State or local educational agency is in compliance with section 406 of the Act or this subpart with respect to assistance under Part B of Title IV of the Act.

(b) Matters relating to assistance under Part B of Title IV of the Act shall have no bearing on a determination of whether a State or local educational agency is in compliance with section 406 of the Act or this subpart with respect to assistance under Part C of Title IV of the Act.

(20 U.S.C. 1801(a), (b))

§ 134.97 Information in the project application.

Each application submitted to the State educational agency shall (a) describe how the local educational agency will fulfill the requirements of §§ 134.90–134.96 (inclusive) and (b) contain information indicating: (1) the number of private school children in the school district of the local educational agency; (2) the number of private school children to be served by the project and the basis on which such children were selected; (3) the manner in which and the extent to which appropriate private school officials were consulted; (4) the places at which and the times during which private school children will be served; (5) the differences, if any, in the kind and extent of services to be provided public and private school children and the reasons for such differences; and (6) the adjustments (if any) which the local educational agency has made under §§ 134.93 and 134.94, and the basis on which such adjustments were made.

(20 U.S.C. 1806(a), (b))

§ 134.98 Control by public agency.

The control of funds provided under Title IV of the Act and title to materials, equipment, and property repaired, remodeled, or constructed therewith shall be in a public agency for the uses and purposes provided in Title IV of the Act, and a public agency shall administer such funds and property.

(20 U.S.C. 1806(c)(1))

§ 134.99 Limitations on personnel providing services.

The provision of services pursuant to this subpart shall be provided by employees of a public agency or through contract by such public agency with a person, an association, agency, or corporation who or which in the provision of such services is independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under Title IV of the Act shall not be commingled with State or local funds.

(20 U.S.C. 1806(c)(2))

§ 134.100 Private schools not to benefit.

(a) Use of funds under Title IV of the Act shall not inure to the benefit of any private school.

(b) Personal property acquired under Title IV of the Act shall not become a part of the permanent structure of any private school and must be capable of being installed and removed without requiring remodeling of the premises.

(20 U.S.C. 1806(c); *Lemon v. Kurtzman*, 403 U [illegible] 602 (1971))

§ 134.101 Avoidance of separate classes.

Any project to be carried out in public facilities which involves joint participation by children enrolled in private schools and children enrolled in public schools shall include such provisions as are necessary to avoid the separation of participating children by school enrollment or religious affiliation.

(20 U.S.C. 1806(a))

§ 134.102 Complaint procedure.

(a) Any organization or individual may file a written signed complaint with the State educational agency setting forth: (1) an allegation that, with respect to a program or project under Title IV of the Act being conducted or approved by the State educational agency to be conducted, eligible private school children will not receive benefits on an equitable basis, and (2) the facts on which such allegation is based.

(b) The State educational agency shall, within sixty days from the receipt of the complaint, file a report with the Commissioner, with a copy to the complainant and the affected local educational agency, setting forth the nature of the complaint and the actions taken to resolve the matter.

(c) If after such sixty-day period has elapsed, either the State educational agency, the affected local educational agency, the Commissioner, or the complainant feels that the problem has not been satisfactorily resolved, the Commissioner will review the matter and take appropriate action.

(20 U.S.C. 1806(e))

§ 134.103 Award of subgrants to local educational agencies.

The State educational agency shall not make any subgrant under Part B or Part C of Title IV of the Act which does not meet the requirements of section 406 of the Act and this subpart.

(20 U.S.C. 1806(a), (b))

§ 134.104 Waiver in the case of legal prohibition.

(a) If a State is prohibited by law from providing for the participation in programs of private school children as required under Section 406 of the Act and this subpart, the Commissioner may waive such requirements.

(20 U.S.C. 1806(d))

(b) The State educational agency shall not approve an application subject to paragraph (a) of this section until the Commissioner has waived such requirement.

(20 U.S.C. 1806 (a), (b), (d))

(c) The State educational agency shall promptly notify the Commissioner when approval of any application is being delayed under paragraph (b) of this section, and shall, in addition to the certification provided under § 134.13(a), provide the Commissioner with a written interpretation of the applicable law, prepared by the State attorney general or other appropriate State legal officer.

(20 U.S.C. 1232c(b)(1)(A)(ii)(III); 1806(d))

§ 134.105 Provision of services by the State educational agency.

(a) If at any time after the approval of its application, the local educational agency substantially fails to provide for the participation on an equitable basis of private school children as required by section 406 of the Act and this subpart, the State educational agency may make arrangements either directly or through contract (subject to the provisions in Subpart I of Part 100b of this chapter), for such participation.

(20 U.S.C. 1806(e))

(b) In each such case, the State educational agency shall promptly notify the Commissioner whether it intends to take action under paragraph (a) of this section.

(20 U.S.C. 1806(e))

Comment. This section provides State educational agencies with an opportunity to remedy substantial failures by local educational agencies to serve private school children. If the State and local educational agency are the same (for example, in an Outlying Area), this section would not apply.

§ 134.106 Provision of services by the Commissioner.

In the case of a prohibition of law described in § 134.104(a), or if a State educational agency does not make satisfactory arrangements under § 134.105(a) within a reasonable period of time, the Commissioner will arrange for the provision of services to the affected private school children.

(20 U.S.C. 1806(e))

§ 134.107 Cost of services under an arrangement by the State educational agency or the Commissioner.

(a) When the State educational agency makes arrangements for services under § 134.105, it shall, after consultation with the appropriate public and private school officials, pay the cost of such services from the appropriate amount granted to the affected local educational agency.

(b) When the Commissioner makes arrangements for services under § 134.106, he shall, after consultation with the appropriate public and private school officials, pay the cost of such services from the appropriate allotment of the State under Title IV of the Act.

(20 U.S.C. 1806(f))

§ 134.108 Suspension and termination.

(a) Section 434(c) of the General Education Provisions Act (as amended) (1) requires that whenever the Commissioner finds, after reasonable notice and an opportunity for hearing, that there has been a failure by a recipient to comply substantially with the terms of a Federal program for which the Commissioner has administrative responsibility, he shall notify such recipient that payments will not be made to such recipient under that program until there is no longer any such failure to comply, and (2) provides for suspension of payments to the recipient pending such hearing.

(20 U.S.C. 1232c(c))

(b) Since the Commissioner will provide services under § 134.106 only where a State or local educational agency has failed to comply substantially with section 406 of the Act, section 434(c) of the General Education Provisions Act requires that payments shall be withheld from such State or local educational agency until there is no longer any such failure to comply.

(c) Where the Commissioner proposes to provide services under § 134.106, the notice and opportunity for hearing provided under section 406(g)(1) of the Act shall be combined with the notice and opportunity for hearing provided under section 434(c) of the General Education Provisions Act.

(20 U.S.C. 1232c(c); 1806(g)(1))

(d) This section shall not apply where the Commissioner has granted a waiver under § 134.104(a).

(20 U.S.C. 1232c(c); 1806(d), (e))

Comment. Under section 406(d) of the Act, the Commissioner may (but is not required to) waive the requirement of section 406 where a State is prohibited by law from providing for the participation of private school children under Title IV. Section 406(e), which applies to situations where a State or local educational agency has "substantially failed" to provide for such participation, does not authorize the Commissioner to waive the requirement of section 406. Therefore, in those cases in which no waiver is granted and there is substantial failure, the local educational agency would lose its Title IV funds for the affected Part.

This statutory language is in contrast with the provisions applicable to Title I of the Elementary and Secondary Education Act (which were enacted in the same law as Title IV—Pub. L. 93-380). The Title I provisions specifically require the Commissioner to waive the requirement for participation of private school children when he arranges for services to them, both where there is a legal prohibition and where there has been a substantial failure by the local educational agency. (See sections 141A(b)(1) and 141A(b)(2) of Title I, added by section 101(a)(6) of Pub. L. 93-380.)

If the requirement for participation under section 406 is not waived (and in the case of substantial failure, it cannot be waived), a finding of failure to comply with section 406 (for the purposes of section 406(d) and (e)) would also constitute a "failure * * * to comply substantially" with the terms of Title IV under section 434(c) of the General Education Provisions Act (added by Section 511 of Pub. L. 93-380). This section of the regulations combines the necessary proceedings under section 406(g)(1) of Title IV and section 434(c) of the General Education Provisions Act.

§ 134.109 Notice; opportunity for hearing; judicial review.

Final actions by the Commissioner under this subpart are subject to the requirements relating to notice, opportunity for hearing, and judicial review set forth in section 406(g) of the Act.

(20 U.S.C. 1806(g))

PART 134a—LIBRARIES AND LEARNING RESOURCES

Subpart A—General

Sec.
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134a.2 Authorized activities.
134a.3 Distribution of resources.
134a.4 Administrative costs of local educational agencies.
134a.5 Allowable costs.

Subpart B—School Library Resources, Textbooks, and Other Instructional Materials

134a.10 Consideration of the needs of occupational education.
134a.11 Distribution and control.

Subpart C—Instructional Equipment and Minor Remodeling

134a.20 Expansion or improvement of services.

AUTHORITY: Part B of Title IV, Pub. L. 89-10, as amended, 88 Stat. 542-543 (20 U.S.C. 1821), unless otherwise noted.

Subpart A—General

§ 134a.1 Scope.

(a) This part applies to Federal financial assistance under Part B of Title IV of the Act (as defined in § 134.2 of this chapter).

(b) Regulations applicable to both Part B and Part C of the Act are set forth in Part 134 of this chapter.

(20 U.S.C. 1801, 1821)

§ 134a.2 Authorized activities.

Each State may receive a grant under this part (pursuant to the annual program plan approved under section 403 of the Act):

(a) for the acquisition of school library resources, textbooks, and other printed and published instructional materials for the use of children and teachers in public and private elementary and secondary schools;

(b) for the acquisition of instructional equipment (including laboratory and other special equipment, including audio-visual materials and equipment suitable for use in providing education in academic subjects) for use by children and teachers in elementary and secondary schools, and for minor remodeling of laboratory or other space used by such schools for such equipment; and

(c) for (1) a program of testing students in the elementary and secondary schools,

(2) programs of counseling and guidance services for students at the appropriate levels in elementary and secondary schools designed (i) to advise students of courses of study best suited to their ability, aptitude, and skills, (ii) to advise students with respect to their decisions as to the type of educational program they should pursue, the vocation they should train for and enter, and the job opportunities in the various fields, and (iii) to encourage students to complete their secondary school education, take the necessary courses for admission to postsecondary institutions suitable for their occupational or academic needs, and enter such institutions, and such programs may include short-term sessions for persons engaged in guidance and counseling in elementary and secondary schools, and

(3) programs, projects, and leadership activities designed to expand and strengthen counseling and guidance services in elementary and secondary schools.

(20 U.S.C. 1821(a))

§ 134a.3 Distribution of resources.

(a) Local educational agencies receiving funds under § 134.14(a)(1)(ii) (for children whose education imposes a higher than average cost per child, such as children from low-income families, children living in sparsely populated areas, and children from families in which English is not the dominant language) shall use such funds (taking into account the requirements of section 406 of the Act) to provide services, materials, and equipment under Part B of Title IV of the Act (1) in schools attended by such children (subject to § 134.91(b)) and (2) for the benefit of such children.

(20 U.S.C. 1806(a)(4)(ii))

(b) Local educational agencies receiving funds under § 134.14(a)(1) of this chapter (except subdivision (ii) thereof) may concentrate the services, materials, and equipment provided under Part B of Title IV of the Act in one or more schools according to the educational needs of the children attending such schools (taking into account the requirements of Section 406 of the Act).

(20 U.S.C. 1806(a)(4))

§ 134a.4 Administrative costs of local educational agencies.

No administrative costs, except those properly incurred by the State educational agency, shall be allowable under Part B of Title IV of the Act, either on a direct cost or on an indirect cost basis.

(20 U.S.C. 1821 (a), (b))

§ 134a.5 Allowable costs.

(a) For the purposes of this part, "acquisition," as defined in § 100.1 of this chapter, may include the costs of processing and installation.

(b) Expenditures for equipment under this part may include (1) the cost of raw or processed materials or component parts to be made into finished products, and (2) the cost of making and assembling the equipment.

(20 U.S.C. 1821(a) (1) and (2))

Subpart B—School Library Resources, Textbooks, and Other Instructional Materials

§ 134a.10 Consideration of the needs of occupational education.

The State educational agency shall develop specific criteria to be used by local educational agencies in acquiring school library resources, textbooks, and other instructional materials under section 421(a)(1) of the Act so as to give consideration to the needs for instruction, orientation, and guidance and counseling in occupational education. Such consideration shall be on a basis equal with the consideration given to meeting other educational needs.

(20 U.S.C. 1821(b); 823(a)(3)(D))

§ 134a.11 Distribution and control.

From funds made available for administration of the annual program plan, State educational agencies may make available to local educational agencies funds for the distribution and control of school library resources, textbooks, and other printed and published instructional materials acquired under § 134a.2 (a) for the use of children and teachers in public and private elementary and secondary schools.

(20 U.S.C. 1821(b); 823(a)(2)(B)(ii))

Subpart C—Instructional Equipment and Minor Remodeling

§ 134a.20 Expansion or improvement of services.

The State educational agency may use funds it receives for administration of Part B of Title IV of the Act for expansion or improvement of supervisory or related services in public elementary and secondary schools in the fields of academic subjects, as well as other authorized activities.

(20 U.S.C. 1821(b); 443(a)(6)(A))

PART 134b—EDUCATIONAL INNOVATION AND SUPPORT

Subpart A—General

Sec.

134b.1 Scope.
134b.2 Authorized activities.
134b.3 Participation in planning and carrying out of projects.

Subpart B—Supplementary Centers and Services

134b.10 Activities.

Subpart C—Health and Nutrition

134b.20 Health and nutrition projects.

Subpart D—Strengthening State and Local Educational Agencies

STATE EDUCATIONAL AGENCIES

134b.30 State educational agency activities.
134b.31 Interstate transfer funds.

LOCAL EDUCATIONAL AGENCIES

134b.40 Local educational agency activities.

COMPREHENSIVE PLANNING AND EVALUATION

134b.50 Comprehensive educational planning and evaluation activities.

AUTHORITY: Part C of Title IV, P.L. 89-10, as amended, 88 Stat. 543-544 (20 U.S.C. 1831), unless otherwise noted.

Subpart A—General

§ 134b.1 Scope.

(a) This part applies to Federal financial assistance under Part C of Title IV of the Act (as defined in § 134.2 of this chapter).

(b) Regulations applicable to both Part B and Part C of Title IV of the Act are set forth in part 134 of this chapter.

(20 U.S.C. 1801, 1831)

§ 134b.2 Authorized activities.

Each State may receive a grant under this part (pursuant to the annual program plan approved under section 403 of the Act):

(a) for supplementary educational centers and services to stimulate and assist in the provision of vitally needed educational services (including preschool education, special education, compensatory education, vocational education, education of gifted and talented children, and dual enrollment programs) not available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary elementary and secondary school programs (including the remodeling, lease, or construction of necessary facilities) to serve as models for regular school programs;

(b) for the support of demonstration projects by local educational agencies or private educational organizations designed to improve nutrition and health services in public and private elementary and secondary schools serving areas with high concentrations of children from low-income families, and such projects may include payment of the cost of (1) coordinating nutrition and health service resources in the areas to be served by a project, (2) providing supplemental health, mental health, nutritional, and food services to children from low-income families when the resources for such services available to the applicant from other sources are inadequate to meet the needs of such children, (3) nutrition and health programs designed to train professional and other school personnel to provide nutrition and health services in a manner which meets the needs of children from low-income families for such services, and (4) the evaluation of projects assisted with respect to their effectiveness in improving school nutrition and health services for such children;

(c) for strengthening the leadership resources of State and local educational agencies, and for assisting those agencies in the establishment and improvement of programs to identify and meet educational needs of States and of local school districts;

(d) for making arrangements with local educational agencies for the carrying out by such agencies, in schools which (1) are located in urban or rural areas, (2) have a high percentage of children from low-income families, and (3) have a high percentage of such children who do not complete their secondary school education, of demonstration projects involving the use of innovative methods, systems, materials, or programs which show promise of reducing the number of such children who do not complete their secondary school education."

(20 U.S.C. 1831(a))

Comment. Section 134b.2 repeats the statutory language in section 431(a) of the Act. With respect to § 134b.2(d), which refers to "schools * * * located in urban or rural areas," neither the Act nor its legislative history suggests what type or types of area should be excluded from this phrase (if any). It is the interpretation of the Commissioner that there is no type of area that would be excluded as not falling within the meaning of the terms "urban" or "rural areas."

§ 134b.3 Participation in planning and carrying out of projects.

Each application from a local educational agency for a subgrant for the purposes of § 134b.2 (a), (b), or (d) shall describe how persons broadly representative of the cultural and educational resources of the area to be served are being involved in the planning and carrying out of the programs or projects to be supported.

(20 U.S.C. 1832)

Subpart B—Supplementary Centers and Services

§ 134b.10 Activities.

Activities authorized under § 134b.2(a) are:

(a) planning for and taking other steps leading to the development of programs or projects designed to provide supplementary educational activities and services described in paragraphs (b) and (c) of this section, including pilot projects designed to test the effectiveness of plans so developed;

(b) the establishment or expansion of exemplary and innovative educational programs for the purpose of stimulating the adoption of new educational programs (including those described in § 134b.30(d) and special programs for handicapped children) in the schools of the State; and

(c) the establishment, maintenance, operation, and expansion of programs or projects, including the acquisition of necessary equipment, designed to enrich the programs of local elementary and secondary schools and to offer a diverse range of educational experience to persons of varying talents and needs by providing, especially through new and improved approaches, supplementary educational services and activities, such as:

(1) remedial instruction, and school health, physical education, recreation, psychological, social work, and other services designed to enable and encourage persons to enter, remain in, or reenter educational programs, including the provision of special educational programs and study areas during periods when schools are not regularly in session;

(2) comprehensive academic services and where appropriate, vocational guidance and counseling, for continuing adult education;

(3) programs designed to encourage the development in elementary and secondary schools of occupational information and counseling and guidance, and instruction in occupational education on an equal footing with traditional academic education;

(4) specialized instruction and equipment for students interested in studying advanced scientific subjects, foreign languages, and other academic subjects which are not taught in the local schools or which can be provided more effectively on a centralized basis, or for persons who are handicapped or of preschool age;

(5) making available modern educational equipment and specially qualified personnel, including artists and musicians, on a temporary basis for the benefit of children in public and other nonprofit schools, organizations, and institutions;

(6) developing, producing, and transmitting radio and television programs for classroom and other educational use;

(7) in the case of any local educational agency which is making a reasonable tax effort but which is nevertheless unable to meet critical educational needs (including preschool education), because some or all of its schools are seriously overcrowded, obsolete, or unsafe, initiating and carrying out programs or projects designed to meet those needs, particularly those which will result in more effective use of existing facilities;

(8) providing special educational and related services for persons who are in or from rural areas or who are or have been otherwise isolated from normal educational opportunities, including, where appropriate, the provision of mobile educational services and equipment, special home study courses, radio, television, and related forms of instruction, bilingual education methods and visiting teachers' programs;

(9) encouraging community involvement in educational programs;

(10) providing programs for gifted and talented children; and

(11) other specially designed educational programs or projects which meet the purposes of this subpart.

(20 U.S.C. 1831(b); 848(b))

Subpart C—Health and Nutrition

§ 134b.20 Health and nutrition projects.

A demonstration project under section 431(a)(2) of the Act may be administered by a private educational organization only if: (a) such organization meets the requirements of § 134.20 of this chapter, and (b) such organization administers the project under a contract with a local educational agency.

(20 U.S.C. 1806(c); 1831(a)(2), 1803 (a)(4)(B), (a)(8)(A))

Subpart D—Strengthening State and Local Educational Agencies

STATE EDUCATIONAL AGENCIES

§ 134b.30 State educational agency activities.

Funds available under § 134b.2(c) may be used by the State education agency for the planning of, and for programs for, the development, improvement, or expansion of activities promoting the purposes set forth in § 134b.2(c), such as:

(a) Educational planning on a statewide basis, including the identification of educational problems, issues, and needs in the State and the evaluation on a periodic or continuing basis of education programs in the State;

(b) Providing support or services for the comprehensive and compatible recording, collection, processing, analyzing, interpreting, storing, retrieving, and reporting of State and local educational data, including the use of automated data systems;

(c) Dissemination or support for the dissemination of information relating to the condition, progress, and needs of education in the State;

(d) Programs for conducting, sponsoring, or cooperating in educational research and demonstration programs and projects such as (1) the development in elementary and secondary schools of programs of occupational information, counseling and guidance, and instruction in occupational education on an equal footing with traditional academic education, (2) establishing and maintaining curriculum research and innovation centers to assist in locating and evaluating curriculum research findings, (3) discovering and testing new educational ideas (including new uses of printed and audio-visual media) and more effective educational practices and putting into use those which show promise of success, and (4) studying ways to improve the legal and organizational structure for education and the management and administration of education in the State;

(e) Publication and distribution, or support for the publication and distribution, of curricular materials collected and developed at curriculum research centers and elsewhere;

(f) Programs to improve the quality of teacher preparation, including student-teaching arrangements, in cooperation with institutions of higher education and local educational agencies;

(g) Programs and other activities specifically designed to encourage the full and adequate utilization and acceptance of auxiliary personnel (such as teacher aides) in elementary and secondary schools on a permanent basis;

(h) Studies or support for studies concerning the financing of public education in the State;

(i) Support for statewide programs designed to measure the educational achievement of pupils;

(j) Training and otherwise developing the competency of individuals who serve State or local educational agencies and provide leadership, administrative, or specialist services throughout the State, or throughout the area served by a local educational agency, through the initiation, improvement, and expansion of activities such as (1) sabbatical leave programs, (2) fellowships and traineeships (including educational expenses and the cost of travel) for State educational agency personnel to pursue graduate studies, and (3) conducting institutes, workshops, and conferences (including related costs of operation and payment of the expenses of participants);

(k) Providing local educational agencies and the schools of those agencies with consultative and technical assistance and services relating to academic subjects and to particular aspects of education such as the education of the handicapped, and gifted and talented children, school building design and utilization, school social work, the utilization of modern instructional materials and equipment, transportation, educational administrative procedures, and school health, physical education, and recreation;

(l) Evaluation and demonstration projects to insure that benefits obtained by children in Head Start and other preschool programs are not lost during their early elementary school years, but are instead enhanced so as to provide continuity in and accelerated development of the child's learning, academic and other social achievements; and

(20 U.S.C. 1831(b); 863)

(m) Experimental projects for developing State leadership or for the establishment of special services which hold promise of making a substantial contribution to the solution of problems common to the State educational agencies of all or several States.

(20 U.S.C. 1831(b); 865)

§ 134b.31 Interstate transfer of funds.

One or more State educational agencies may, consistent with State law, transfer grant funds to another State agency or combine grant funds from several State educational agencies for the joint support of the cost of carrying out one or more programs or activities which may be conducted pursuant to the provisions of section 431(a)(3) of the Act, including experimental projects for developing State leadership and the establishment of special services which hold promise of making a substantial contribution to the State educational agencies of all or several States. Such funds shall be administered by the receiving State on behalf of all of the participating States.

(20 U.S.C. 1831(b); 862(b)(3))

LOCAL EDUCATIONAL AGENCIES

§ 134b.40 Local educational agency activities.

(a) Funds available under § 134b.2(c) may be used to stimulate and assist local educational agencies in strengthening the leadership resources of their districts, and to assist those agencies in the establishment and improvement of programs to identify and meet the educational needs of their districts.

(20 U.S.C. 1831(b); 866(a))

(b) Activities authorized under paragraph (a) of this section may include:

(1) Educational planning on a district basis, including the identification of educational problems, issues, and needs in the district and the evaluation on a periodic or continuing basis of educational programs in the district;

(2) Providing support or services for the comprehensive and compatible recording, collecting, processing, analyzing, interpreting, storing, retrieving, and reporting of educational data including the use of automated data systems;

(3) Programs for conducting, sponsoring, or cooperating in educational research and demonstration programs and projects such as (i) establishing and maintaining curriculum research and innovation centers to assist in locating and evaluating curriculum research findings, (ii) discovering and testing new educational ideas (including new uses of printed and audiovisual media) and more effective educational practices, and putting into use those which show promise of success, and (iii) studying ways to improve the legal and organizational structure for education, and the management and administration of education in the district of such agency;

(4) Programs to improve the quality of teacher preparation, including student-teaching arrangements, in cooperation with institutions of higher education and State educational agencies;

(5) Programs and other activities specifically designed to encourage the full and adequate utilization and acceptance of auxiliary personnel (such as instructional assistants and teacher aides) in elementary and secondary schools on a permanent basis;

(6) Providing such agencies and the schools of such agencies with consultative and technical assistance and services relating to academic subjects and to particular aspects of education such as the education of the handicapped, the gifted and talented, and the disadvantaged, vocational education, school building design and utilization, school social work, the utilization of modern instructional materials and equipment, transportation educational administrative procedures, and school health, physical education, and recreation;

(7) Training programs for the officials of such agencies; and

(8) Carrying out any such activities or programs, where appropriate, in cooperation with other local educational agencies.

(20 U.S.C. 1831(b); 866(b))

COMPREHENSIVE PLANNING AND EVALUATION

§ 134b.50 Comprehensive educational planning and evaluation activities.

(a) Funds available under § 134b.2(c) may be used for activities by State and local educational agencies in order to assist and stimulate them to enhance their capability to make effective progress, through comprehensive and continuing planning and evaluation, toward the achievement of opportunities for high-quality education for all segments of the population.

(20 U.S.C. 1831(b); 867(a))

(b) Funds available to local educational agencies under paragraph (a) of this section may be used for demonstration projects to plan, develop, test, and improve planning and evaluation systems and techniques consistent with, and to further the purposes of, paragraph (a) of this section.

(20 U.S.C. 1831(b); 867a(b)(5))

[FR Doc.75-30725 Filed 11-17-75;8:45 am]

Appendix 3

Documents Relating to the Administration of ESEA Title IV, Part B
(from U.S. Office of Education)

1. Some Questions and Answers about Title IV of the Elementary and Secondary Education Act

2. Allotment Tables, ESEA Title IV, Part B, Libraries and Learning Resources, Fiscal Years 1976, 1977, 1978

3. ESEA Title IV On-Site Program Reviews, Fiscal Years 1976, 1977

4. Preliminary Summary Data on ESEA Title IV-B from State's Annual Reports, Fiscal Year 1976

5. Comparative Data, ESEA Title IV-B Formulas, Fiscal Year 1977 (retained in Subcommittee files) X

6. High Cost Children Factors Selected by States, Fiscal Years 1976, 1977

7. Funds Made Available by States for Carrying Out Legislated Functions of Title IV ESEA State Advisory Councils

8. The Contribution of ESEA Title IV, Part B, to Bilingual Education

9. Interagency Cooperation with BIA and Outlying Areas under the Department of the Interior

7/19/77

SOME QUESTIONS AND ANSWERS
about
TITLE IV OF THE ELEMENTARY AND SECONDARY EDUCATION ACT
PART B

A Program of Financial Assistance
For
Libraries and Learning Resources

U.S. Department of Health, Education, and Welfare
Office of Education

DISCRIMINATION PROHIBITED - Title VI of the Civil Rights Act of 1964 states: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Therefore, Title IV of the Elementary and Secondary Education Act of 1965, as amended, like every program or activity receiving financial assistance from the Department of Health, Education, and Welfare, must be operated in compliance with this law.

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FOREWORD

Title IV of the Elementary and Secondary Education Act, as amended, provides for the consolidation of certain education programs into two parts, B and C. Part B consists of the program purposes of ESEA Title II (school library resources, textbooks, and other instructional materials), that part of ESEA Title III related to testing, counseling, and guidance, and Title III of the National Defense Education Act of 1958 (financial assistance for strengthening instruction in the academic subjects). Part C consists of the purposes of ESEA Title III (supplementary centers and services) except for programs of testing, counseling, and guidance, ESEA Title V (strengthening State and local educational agencies), section 807 of ESEA (dropout prevention), and section 808 of ESEA (demonstration projects to improve school nutrition and health services for children of low-income families). Under Title IV, State educational agencies are required to submit an annual program plan for the approval of the U.S. Commissioner of Education. The statute provides for the participation of children enrolled in public and private non-profit elementary and secondary schools.

This publication gives a brief outline, in question-and-answer form, of the Title IV, Part B program. More detailed information may be obtained by writing to a State educational agency, or to the:

Office of Libraries and Learning Resources
School Media Resources Branch
U.S. Office of Education
400 Maryland Avenue, S.W.
ROB-3 Room 3124
Washington, D.C. 20202

GENERAL PURPOSES AND PROVISIONS

1. What is the purpose of Title IV, Part B of the Elementary and Secondary Education Act?

   Part B provides for the consolidation of the program purposes of Title II of the Elementary and Secondary Education Act (school library resources, textbooks, and other instructional materials), that part of Title III of the Elementary and Secondary Education Act related to testing, counseling, and guidance, and Title III of the National Defense Education Act (strengthening instruction in the academic subjects).

2. How are Federal funds made available for Title IV, Part B?

   Direct grants are awarded to the 50 States, the District of Columbia, American Samoa, Guam, Puerto Rico, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Department of the Interior for children and teachers in elementary and secondary schools operated for Indian children by the Bureau of Indian Affairs. Under P.L. 93-380, children in the overseas dependents schools operated by the Department of Defense are eligible, but the Department of Defense is not participating during fiscal years 1976 and 1977.

3. On what basis do the States, the Department of the Interior, and the other jurisdictions participate in the Title IV, Part B program?

   State educational agencies, the Department of the Interior, and other jurisdictions are required to submit an annual program plan which, when approved by the U.S. Commissioner of Education, serves as the contract or agreement between the States, other jurisdictions or Departments, and the U.S. Office of Education.

4. What are the conditions required to "trigger" consolidation of Title IV, Part B?

   In the first year (fiscal year 1976), the amount appropriated for Part B must be at least equal to the aggregate amounts appropriated for the component programs in fiscal year 1975. In the succeeding fiscal years (fiscal year 1977 and fiscal year 1978), the amounts appropriated for Part B must be at least equal to the aggregate amounts appropriated for Part B in the previous year. Funds appropriated for Part B must be made available for expenditure prior to the beginning of each of the three fiscal years--1976, 1977, and 1978. If these conditions are not met, the programs will operate as categorical programs under the terms of existing legislation through fiscal year 1978 for ESEA Title II and that part of ESEA Title III related to testing, guidance and counseling, and through fiscal year 1977 for NDEA title III.

5. Are matching funds required?

No.

6. For what may the Title IV, Part B funds be expended?

The funds may be used by local educational agencies to provide printed and audiovisual materials, instructional equipment and minor remodeling, and testing, counseling and guidance services for the benefit of children enrolled in public and private nonprofit elementary and secondary schools. Funds are available to State educational agencies for the administration of the annual program plan.

ALLOTMENT OF FUNDS

7. What funds have been appropriated for Part B for the first two years of the program?

The amount appropriated for fiscal year 1976 is $137,330,000. During this first year of consolidation, 50 percent of the funds will be used for the consolidated program purposes and the other 50 percent will support the separate categorical programs in the Part B consolidation. In fiscal year 1977 when the program is fully consolidated, the amount authorized is $147,330,000. The conditions controlling consolidation have been met in both years.

8. On what basis are Part B allotments made to the States?

From the total amount available for Title IV, Part B for allotment in any fiscal year, the U.S. Commissioner of Education allots to each State an amount proportionate to the number of children aged 5-17 in the State, as compared with the total number of children in all of the States. The term "State" as used here refers to the several States in the Union, the District of Columbia, and the Commonwealth of Puerto Rico.

9. On what basis are Part B allotments made to the outlying areas, the Department of the Interior, and the Department of Defense?

Not more than one percent of the amount available under Title IV, Part B is reserved for Guam, American Samoa, the Virgin Islands and the Trust Territory of the Pacific Islands, for schools operated for Indian children by the Department of the Interior, and for children in the overseas dependents schools operated by the Department of Defense.

10. How are Title IV, Part B funds distributed to local educational agencies?

Part B funds are distributed among local educational agencies according to the enrollments in public and nonpublic schools within the school districts of such agencies except that substantial funds are provided to local educational agencies whose tax effort for education is substantially greater than the State average tax effort for education but whose per pupil expenditure (excluding payments made under ESEA Title I) is no greater than the average per pupil expenditure in the State, and local educational agencies which have the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as children from low-income families, children living in sparsely populated areas, and children from families in which English is not the dominant language.

11. How are expenditures to provide Title IV, Part B benefits to private school children determined?

Funds are distributed to local educational agencies to provide materials, equipment, and testing, counseling, and guidance services under Part B to private school children according to enrollments in private nonprofit schools. If local educational agencies where private schools are located are among those receiving substantial funds because of the tax effort factor and larger numbers or percentages of children whose education imposes a higher than average cost per child, additional funds are allotted to such local educational agencies for additional benefits to both public and private school children. The average expenditure per child under Part B for private school children who receive benefits under Part B must be equal to the average expenditure per child for children enrolled in public schools who receive such benefits; however, the average expenditure per private school child may be adjusted by local educational agencies if the needs of private school children with respect to benefits under Part B differ from those of public school children and if the actual cost per child of such benefits to meet the needs of private school children is lesser or greater than the actual cost per child of such benefits to meet the needs of public school children. Any such adjustments made must be designed to assure the equitable participation of private school children in Part B purposes and benefits.

PARTICIPATION OF CHILDREN AND TEACHERS

12. Which public school children are eligible to participate in the Title IV, Part B program?

Eligible public school children are those enrolled in public elementary or secondary schools which provide elementary or secondary education as determined under State law, except that it does not include any education provided beyond grade 12.

13. Which private school children are eligible?

Eligible private school children are those enrolled in nonprofit private elementary or secondary schools which provide elementary and secondary education as determined under State law. "Private" means not under public supervision or control. "Nonprofit", as applied to a school, means a school owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

14. Can all faculty members participate?

Yes. Eligibility extends to any person who is engaged in carrying out the instructional program of an elementary or secondary school including a principal, guidance counselor, school librarian/media specialist, or other member of the instructional or supervisory staff.

15. Are handicapped children eligible to participate?

Yes. Handicapped children enrolled in regular public or private elementary and secondary schools are eligible to participate. Participation is also open to children in State supported or private institutions for the blind, deaf, mentally retarded, and physically or mentally or other exceptional pupils for whom education equivalent to that of public elementary or secondary schools is provided.

16. How may a local educational agency apply for funds under Part B?

A local educational agency applies for funds by submitting a single Title IV application to the State educational agency. The application also requests funds for the benefit of children enrolled in private nonprofit schools located within the local educational agency. The local educational agency must consult with appropriate private school officials on all matters related to the application, including planning.

ELIGIBILITY OF MATERIALS, EQUIPMENT, AND SERVICES

17. What restrictions are placed on the acquisition of "school library resources" and "other instructional materials"?

"School library resources" and "other instructional materials" are books, periodicals, documents, pamphlets, photographs, reproductions, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, including but not limited to those on discs and tapes, processed slides, transparencies, films, filmstrips, kinescopes, and video tapes, or any other printed and audiovisual materials of a similar nature made by any method now developed or to be developed. The only difference between the two categories of materials are that "school library resources" are processed and organized for use by elementary or secondary school children and teachers. The terms include those printed and published materials which are suitable for use and are to be used by children and teachers in elementary and secondary schools and which with reasonable care and use may be expected to last more than one year. The terms do not include furniture or equipment. Paperback and prebound books are eligible.

18. How is a textbook defined?

Textbook means a book, reusable workbook, or manual, whether bound or in looseleaf form, intended for use as a principal source of study material for a given class or group of students, a copy of which is expected to be available for the individual use of each student in such class or group.

19. What instructional equipment is eligible?

The term "equipment" includes laboratory and other special equipment and printed and audiovisual materials and equipment suitable for use in providing education in academic subjects to children and teachers in elementary and secondary schools. Expenditures for equipment may include the cost of raw or processed materials or component parts to be made into finished products, and the cost of making and assembling the equipment.

20. What are the academic subjects?

Academic subjects include, but are not limited to, the following elementary and secondary school subjects: The arts, civics, economics, English, geography, history, the humanities, industrial arts, mathematics, modern foreign languages, reading, and science.

21. What restrictions are placed on local educational agencies in the provision of the services, materials, and equipment authorized under Part B for the benefit of private school children?

The local educational agency shall provide for the benefit of private school children secular, neutral, and nonideological services, materials, and equipment authorized under Part B.

22. Are there further restrictions on equipment for use by private school children?

Yes. Equipment acquired under Part B shall not become a part of the permanent structure of any private school and must be capable of being installed and removed without remodeling of the premises.

23. How is minor remodeling defined?

"Minor remodeling" means minor alterations which are made in a (a) previously completed public building used, or to be used, as a laboratory or classroom for instructional subjects and (b) needed to make effective use of equipment in providing instruction in such subjects. The term does not include building construction, structural alterations to buildings, or building maintenance, repair, or renovation. Extension of water and electric lines from inside the building to the space where the alteration is to be done is allowable. Such minor remodeling of public school facilities as may be necessary for the provision of services, materials, and equipment for the benefit of private school children is an eligible expenditure.

24. May Part B funds be used to pay the cost of acquisition of the equipment and materials acquired under Part B?

Yes. "Acquisition" means assumption of ownership and necessary delivery, and includes purchase, lease, or lease-purchase. Acquisition costs may also include the costs of processing and installation.

25. What testing, counseling, and guidance services are eligible?

These services may include a program for testing students in the elementary and secondary schools, and programs of counseling and guidance services at the appropriate levels in elementary and secondary schools designed (i) to advise students of courses of study best suited to their ability, aptitude, and skills; (ii) to advise students with respect to their decisions as to the type of educational program they should pursue, the vocation they should train for and enter, and the job opportunities in various fields, and (iii) to encourage students to complete their secondary school education, take the necessary courses for admission to a postsecondary institution suitable for their occupational or academic needs, and enter such institutions. Such programs may include short-term sessions for persons engaged in guidance and counseling in elementary and secondary schools. Programs, projects, and leadership activities designed to expand and strengthen counseling and guidance services in elementary and secondary schools are eligible expenditures.

26. How is testing defined?

Testing means the use of tests which measure abilities, educational achievement, interests, or aptitudes pertaining to an individual's educational or career development.

27. What are the limitations on personnel providing testing, counseling and guidance services to private school children under Part B?

Testing, counseling, and guidance services provided under Part B must be made available by employees of a public agency or through contract by a public agency with a person, an association, agency, or corporation. In the provision of the services, such person, association, agency, or corporation must be independent of a private school and of any religious organization. Employment or a contract to provide services under Part B must be under the control and supervision of a public agency.

28. May Part B funds be used for training counselors?

Yes. Part B funds may be used for short-term sessions for persons engaged in guidance and counseling in elementary and secondary schools. Programs, projects, and leadership activities designed to expand and strengthen counseling and guidance services in elementary and secondary schools are also eligible.

OTHER SIGNIFICANT REQUIREMENTS

29. What are the requirements for the division of funds among the three Part B program purposes?

Each local educational agency will be given complete discretion in determining how the funds it receives under Part B will be divided among the various program purposes described. Local educational agency officials must consult with private school officials concerning the needs of private school children for the materials, equipment, and services available under Part B.

30. Is there a requirement for maintaining expenditures derived from non-Federal sources for Part B program purposes?

Yes. The annual program plan submitted by the States or other jurisdictions must give satisfactory assurance that the aggregate amount to be expended by the State and its local educational agencies from funds derived from non-Federal sources for programs for a fiscal year will not be less than the amount so expended for the preceding fiscal year. States or other jurisdictions must collect and maintain data to verify compliance with this provision and make such data available to the Commissioner upon request. State educational agencies may require that each local educational agency maintain its local expenditure from State and local sources for Part B program purposes.

31. What are the requirements concerning standards for equipment and materials acquired under the Part B program?

The State educational agency must develop standards which may be used by local educational agencies in acquiring materials and equipment of appropriate quality and in appropriate quantities. This requirement is not intended to limit the complete discretion of local educational agencies in determining how the funds it receives under Part B will be divided among the various program purposes.

32. Are there charges for use of property?

No charge shall be levied against students or school personnel for the ordinary use of personal property under Title IV.

33. What are the special requirements for local educational agencies to follow in the use of Part B funds distributed to them because of greater numbers or percentages of children whose education imposes a higher than average cost per child?

Local educational agencies receiving additional funds because of the enrollment of larger numbers or percentages of children whose education imposes a higher than average cost per child must use these funds to provide services, materials, or equipment in schools attended by the children whose education imposes a higher than average cost per child and for the benefit of those children. The requirements concerning the equitable participation of private school children must be taken into account.

34. **Are there any special requirements for local educational agencies to follow in the use of funds distributed to them on the basis of enrollment of public and private school children and on the tax effort factor?**

No. Local educational agencies receiving funds on the basis of enrollment and on the tax effort factor may, but are not required to, concentrate the services, materials, and equipment acquired with those funds under Part B in one or more schools according to the educational needs of the children attending such schools. In the use of all funds made available under Part B, the requirements concerning the equitable participation of private school children must be taken into account.

STATE ADVISORY COUNCIL

35. **What are the advisory functions of the State Advisory Council?**

Any State which desires to receive grants under Title IV shall establish an Advisory Council to advise the State educational agency on the preparation of, and policy matters arising in the administration of, the annual program plan. The Council also must advise on the development of criteria for the distribution of funds and advise on the approval of applications for assistance under Title IV.

36. **What are the other responsibilities of the Advisory Council?**

The Council shall evaluate all programs and projects assisted under Title IV, and report at least annually to the Commissioner of the U.S. Office of Education through the State educational agency, its activities, recommendations, and evaluations, together with such additional comments as the State educational agency deems appropriate.

37. **What are the requirements for the composition of the State Advisory Council?**

The membership must be broadly representative of the cultural and educational resources of the State and of the public. The membership shall include at least one person representative of each of the following: public elementary and secondary schools; private elementary and secondary schools; and institutions of higher education. Professional competence in guidance and counseling must be represented. In addition, the following fields of professional competence in dealing with children needing special education must be represented: (a) the physically or mentally handicapped; (b) special learning disabilities; (c) limited English-speaking ability; (d) severe educational disadvantage; and (e) gifted or talented.

38. How are members and the chairman selected for the State Advisory Council?

If there is a State law that governs the establishment of an Advisory Council and the selection of the Chairman, then that State law should be followed. If there is no State law governing advisory councils, then the members of the Council and the Chairman are appointed by the State educational agency.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
U.S. Office of Education
Office of Libraries and Learning Resources

ALLOTMENTS OF FISCAL YEAR 1977 FUNDS TO THE STATES, OUTLYING AREAS OF THE UNITED STATES, AND THE DEPARTMENT OF THE INTERIOR UNDER PART B, TITLE IV OF THE ELEMENTARY AND SECONDARY EDUCATION ACT, AS AMENDED (P.L. 93-380)

Libraries and Learning Resources

July 1, 1976

Total United States and Outlying Areas			$147,330,000[1/]
Alabama	$ 2,502,983	New Jersey	$ 4,938,395
Alaska	273,104	New Mexico	867,175
Arizona	1,526,003	New York	11,712,500
Arkansas	1,390,859	North Carolina	3,626,370
California	13,663,644	North Dakota	458,927
Colorado	1,734,351	Ohio	7,424,485
Connecticut	2,086,289	Oklahoma	1,725,904
Delaware	408,248	Oregon	1,472,509
District of Columbia	425,141	Pennsylvania	7,714,483
Florida	4,935,579	Puerto Rico	2,722,351
Georgia	3,429,284	Rhode Island	613,780
Hawaii	588,440	South Carolina	1,984,931
Idaho	571,547	South Dakota	489,721
Illinois	7,601,863	Tennessee	2,759,194
Indiana	3,710,835	Texas	8,339,525
Iowa	1,976,484	Utah	884,068
Kansas	1,480,955	Vermont	326,599
Kentucky	2,294,636	Virginia	3,336,373
Louisiana	2,823,951	Washington	2,362,208
Maine	729,216	West Virginia	1,162,803
Maryland	2,883,077	Wisconsin	3,277,247
Massachusetts	3,868,503	Wyoming	253,395
Michigan	6,579,834		
Minnesota	2,812,689	American Samoa	104,497
Mississippi	1,734,351	Guam	300,882
		Trust Territory	349,707
Missouri	3,156,181	Virgin Islands	249,110
Montana	532,130		
Nebraska	1,050,183	Bureau of Indian Affairs	454,517
Nevada	402,617	(Department of the Interior)	
New Hampshire	560,285		

[1/] The funds were allotted on the basis of the 5-17 population, 7/1/74, and 4/1/70 for Puerto Rico. One percent of the amount for the States, the District of Columbia, and Puerto Rico was reserved for the outlying areas and the Bureau of Indian Affairs, and was distributed on the basis of total public and nonpublic enrollment, K-12, Fall 1974. An additional $314,918, not included in the total, was made available under P.L. 94-94 to bring allotments up to those for FY 1974 for comparable purposes. Of this amount, $5,454 was allotted to South Dakota, and $309,464 to Puerto Rico.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
U.S. Office of Education
Office of Libraries and Learning Resources

ALLOTMENTS TO THE STATES, OUTLYING AREAS OF THE UNITED STATES, AND THE DEPARTMENT OF THE INTERIOR UNDER PART B, TITLE IV OF THE ELEMENTARY AND SECONDARY EDUCATION ACT, AS AMENDED (P.L. 93-380)

Libraries and Learning Resources

Fiscal Year Ending September 30, 1976

Total United States and Outlying Areas			$68,665,000 1/
Alabama	$1,170,286	New Jersey	$2,311,997
Alaska	123,393	New Mexico	401,352
Arizona	691,001	New York	5,502,03
Arkansas	644,242	North Carolina	1,682,043
California	6,348,900	North Dakota	216,912
Colorado	800,107	Ohio	3,488,778
Connecticut	978,053	Oklahoma	809,199
Delaware	190,935	Oregon	681,909
District of Columbia	201,326	Pennsylvania	3,629,056
Florida	2,227,570	Puerto Rico	1,112,575
Georgia	1,589,823	Rhode Island	290,948
Hawaii	272,764	South Carolina	918,305
Idaho	262,373	South Dakota	229,901
Illinois	3,574,504	Tennessee	1,280,691
Indiana	1,740,492	Texas	3,855,061
Iowa	929,994	Utah	406,548
Kansas	696,197	Vermont	151,968
Kentucky	1,072,871	Virginia	1,545,661
Louisiana	1,323,554	Washington	1,087,158
Maine	337,707	West Virginia	548,125
Maryland	1,346,933	Wisconsin	1,530,075
Massachusetts	1,806,735	Wyoming	115,600
Michigan	3,071,839		
Minnesota	1,317,059	American Samoa	49,804
Mississippi	807,900	Guam	139,710
		Trust Territory	156,182
Missouri	1,485,913	Virgin Islands	114,340
Montana	249,384		
Nebraska	490,975	Bureau of Indian Affairs	219,816
Nevada	179,245	(Department of the Interior)	
New Hampshire	257,177		

1/ The funds were allotted on the basis of the 5-17 population, 7/1/73, and 4/1/70 for Puerto Rico. One percent of the amount for the States, the District of Columbia and Puerto Rico was reserved for the outlying areas and the Bureau of Indian Affairs and was distributed on the basis of total public and nonpublic enrollment, Fall 197

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
U.S. Office of Education
Office of Libraries and Learning Resources

ALLOTMENTS TO THE STATES, OUTLYING AREAS OF THE UNITED STATES, AND THE DEPARTMENT OF THE INTERIOR UNDER PART B, TITLE IV OF THE ELEMENTARY AND SECONDARY EDUCATION ACT, AS AMENDED (P.L. 93-380)

Program Year 1978

Libraries and Learning Resources

July 1, 1978

TOTAL UNITED STATES AND OUTLYING AREAS			$154,497,324[1]
Alabama	2,627,905	New Jersey	5,154,392
Alaska	304,252	New Mexico	915,740
Arizona	1,613,730	New York	12,244,665
Arkansas	1,479,501	North Carolina	3,815,085
California	14,410,225	North Dakota	474,276
Colorado	1,810,600	Ohio	7,695,794
Connecticut	2,180,475	Oklahoma	1,816,565
Delaware	420,584	Oregon	1,548,107
District of Columbia	438,481	Pennsylvania	8,023,909
Florida	5,214,049	Puerto Rico	2,722,351
Georgia	3,609,268	Rhode Island	635,350
Hawaii	620,436	South Carolina	2,088,006
Idaho	605,522	South Dakota	498,139
Illinois	7,937,406	Tennessee	2,884,431
Indiana	3,856,846	Texas	8,835,249
Iowa	2,061,160	Utah	936,620
Kansas	1,545,125	Vermont	346,012
Kentucky	2,410,156	Virginia	3,507,850
Louisiana	2,964,969	Washington	2,502,624
Maine	763,614	West Virginia	1,217,009
Maryland	3,015,677	Wisconsin	3,412,399
Massachusetts	4,038,800	Wyoming	271,441
Michigan	6,824,797		
Minnesota	2,929,174	American Samoa	109,442
Mississippi	1,810,600	Guam	319,953
		Trust Territory	372,938
Missouri	3,272,204	Virgin Islands	272,778
Montana	554,813		
Nebraska	1,088,746	Bureau of Indian Affairs (Dept. of the Interior)	452,909
Nevada	429,533		
New Hampshire	584,642		

[1] Distribution of $154,330,000 with one percent of the 50 States, D.C., and Puerto Rico amount reserved for the outlying areas and the Bureau of Indian Affairs, and the balance distributed on the basis of the population aged 5-17, 7/1/75 for the 50 States and D.C. Population of Puerto Rico as of 4/1/70. Distribution on the total public and nonpublic elementary and secondary enrollment, Fall 1975 for the outlying areas. Puerto Rico's allotment of $2,555,027 increased by $167,324 to bring it up to that of FY 1977, as authorized by P.L. 94-437.

ESEA Title IV
On-Site Program Reviews
Fiscal Years 1976 and 1977

States	Dates	Reports to States
1. Alabama	May 5-7, 1976	August 25, 1976
2. Alaska	August 31-September 2, 1976	February 23, 1977
3. Arizona	September 14-16, 1976	February 25, 1977
4. Arkansas	December 8-10, 1976	February 25, 1977
5. California	April 20-22, 1976	May 11, 1976
6. Colorado	November 3-5, 1976	January 4, 1977
7. Connecticut	April 26-29, 1976	November 12, 1976
8. Delaware	May 4-6, 1976	August 1976
9. District of Columbia	June 23-25, 1976	October 26, 1976
10. Florida	January 24-26, 1977	May 22, 1977
11. Georgia	May 10-12, 1976	December 6, 1976
12. Hawaii	November 3-5, 1976	February 16, 1977
13. Idaho	June 14-16, 1977	1/
14. Illinois	May 5-7, 1976	June 21, 1976
15. Indiana	September 21-23, 1976	November 24, 1976
16. Iowa	June 2-4, 1976	August 6, 1976
17. Kansas	October 2-4, 1976	December 30, 1976
18. Kentucky	April 26-28, 1976	November 17, 1976
19. Louisiana	November 8-10, 1976	April 20, 1977
20. Maine	October 4-6, 1976	December 9, 1977
21. Maryland	September 27-29, 1976	1/
22. Massachusetts	June 8-10, 1976	September 13, 1976

1/ Reports have not been submitted to the State Department of Education as yet.

23.	Michigan	January 11-13, 1977	April 1, 1977
24.	Minnesota	May 10-12, 1976	July 23, 1976
25.	Mississippi	May 3-5, 1977	1/
26.	Missouri	November 16-18, 1976	January 28, 1977
27.	Montana	December 14-16, 1976	March 16, 1977
28.	Nebraska	May 24-26, 1977	July 14, 1977
29.	Nevada	November 29-December 7, 1976	April 22, 1977
30.	New Hampshire	May 24-27, 1976	August 2, 1976
31.	New Jersey	November 17-20, 1975	1/
32.	New Mexico	April 21-23, 1976	June 16, 1976
33.	New York	March 16-18, 1976	August 5, 1976
34.	North Carolina	April 7-9, 1976	December 10, 1976
35.	North Dakota	June 6-10, 1977	1/
36.	Ohio	December 7-9, 1976	February 22, 1977
37.	Oklahoma	September 26-29, 1976	December 6, 1976
38.	Oregon	May 31-June 3, 1977	1/
39.	Pennsylvania	March 2-4, 1976	June 7, 1976
40.	Rhode Island	March 8-10, 1977	1/
41.	South Carolina	January 11-13, 1977	May 20, 1977
42.	South Dakota	April 17-20, 1977	May 27, 1977
43.	Tennessee	April 21-23, 1976	September 15, 1976
44.	Texas	April 27-29, 1976	October 14, 1976
45.	Utah	June 7-9, 1977	1/
46.	Vermont	June 22-24, 1976	October 5, 1976
47.	Virginia	March 16-18, 1976	October 17, 1976

48.	Washington	September 21-23, 1976	February 10, 1977
49.	West Virginia	May 23-25, 1977	1/
50.	Wisconsin	June 7-9, 1976	August 24, 1976
51.	Wyoming	January 25-27, 1977	April 1977
52.	BIA	March 1-3, 1977	April 22, 1977
53.	American Samoa	June 15-17, 1977	1/
54.	Guam	June 20-23, 1977	1/
55.	Puerto Rico	March 16-18, 1977	1/
56.	Trust Territory	November 9-11, 1976	March 24, 1977
57.	Virgin Islands	December 1-3, 1976	1/

Preliminary Summary Data
on ESEA Title IV B
from States' Annual Reports
Fiscal Year 1976

1. Cumulative impact of the Part B purposes as set forth in the Annual Program Plan on the education of (a) public and (b) private school children of the State.

During Fiscal Year 1976, $137,330,000 was allotted to States. Fifty percent was used for the last year of the categorical programs being consolidated and fifty percent for the program purposes consolidated under Title IV, Part B of the Elementary and Secondary Education Act (P.L. 93-380). Therefore, in FY 1976 States received $68,665,000 for ESEA Title IV, Part B. All States and outlying areas except Alaska, District of Columbia, Nebraska, Pennsylvania, Wyoming, American Samoa, Guam, Trust Territory and the Virgin Islands reported obligations and expenditures for the program purposes as follows:

	Public	Private	Total	%
School Library Resources, and other Instructional Materials, Textbooks	$23,180,219	$2,214,081	$25,394,300	54.1
Equipment and Minor Remodeling	$15,230,330	$632,815	$15,863,145	33.7
Testing, Counseling, and Guidance	$ 5,416,079	$295,158	$5,711,237	12.2
Total	$43,826,628	$3,142,054	$46,968,682	

Agencies and children in States and outlying areas totaled:
(School Year 1975-1976)

Number of Local Educational Agencies in States[1/]	16,163
Number of Local Educational Agency Projects Approved	12,551
Total Number of Children in States (Public and Private Schools)	47,154,007

As a result of consolidation a number of changes occurred that directly or indirectly affected the education of public and private school children in the States and outlying areas. In general, State education agencies assuming the dual responsibilities for administering categorical and consolidated programs utilized task forces or committees to develop and implement the consolidated program, revise State standards for media, equipment, and testing, counseling and guidance and prepare manuals, application and evaluation forms. Use of committee or task force approval did take more time to get the program underway.

Likewise, at the local level, committees including representatives from the nonpublic schools assessed the needs of children and teachers for the program benefits and then prepared the applications. As one State reported, "Local education agencies capitalized on integrating the three purposes of Part B for the greatest impact". Another cited a renewed interest in planning programs to meet student behavioral objectives and in developing methods to evaluate impact of program at the local level.

Learner benefits from the Part B program cited by several States included curriculum support, access to additional resources, student motivation, increased opportunities for learning, and gains in student achievement. Michigan ranked curriculum area priorities stated in the local education agency applications as: English/language arts, social studies, science career education, mathematics, and arts and humanities. In other words, materials, equipment and services acquired with Title IV-B supported these subject areas in that order.

2. Impact of local discretion of the use of Part B funds in meeting the needs of public and private school children for school library resources, textbooks, and other instructional materials; equipment and minor remodeling; and testing, counseling, and guidance programs. Differences in needs of public and private school children.

2(a). Local discretion allowed local educational agencies to funnel resources to their areas of greatest needs. From the chart note that States reported their local educational agencies opting to use 54.1 percent of program funds for school library resources, textbooks, and other instructional materials; 33.7 percent for equipment and minor remodeling; and 12.2 percent for testing, counseling, and guidance. Comments on "local discretion" by local education agencies were "better able to meet student needs, more efficient use of funds, facilitates administrative decisions, and provides continuity in program planning.

2(b). In most States there were no great differences in the needs of public and private school children. These differed only to the extent of the use of the purposes. For example, in California and Minnesota, nonpublic schools requested the use of school library resources, textbooks and other instructional materials more frequently than did public schools. Several States pointed out that nonpublic school children's needs are being recognized to a greater degree as shown by the co-operative planning by public and nonpublic representatives to use ESEA Title IV, Part B funds. Of the States reporting, only New Jersey reported "significant proportions of nonpublic schools selected categories different from public schools in the same district and the State indicated that when this difference occurred, there tended to be less impact on both public and nonpublic schools.

The availability of equipment for use by nonpublic school children and teachers added a new dimension of the impact of the program.

Surveying a sample of 218 private schools, New York found that ESEA Title IV-B had a greater impact on private school expenditures for for Part B purposes from sources other than Federal than it did on public school expenditures. ESEA Title IV-B effected a greater increase in funds available for Part B purposes for small enrollment private schools as compared to those with large enrollments.

3. Effectiveness of specific criteria developed for distribution of funds among local educational agencies under Part B in meeting program purposes as set forth in the Annual Program Plan.

Criteria for distribution of ESEA Title IV-B funds were developed by each State to fulfill the requirements of Section 403(a)(4):"that funds received by the States will be distributed to local educational agencies according to enrollments in public and nonpublic schools within the school districts of such agencies, except that substantial funds will be provided to (1) local educational agencies whose tax effort for education is substantially greater than the State average tax effort for education, but whose per pupil expenditures (including payments made under Title I, ESEA) is no greater than the average per pupil expenditure in the State, and (2) local educational agencies which have the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as children from low income families, children living in sparsely populated areas, and children from families in which English is not the dominant language". In the Fiscal Year 1976 Annual Program Plan the five most frequently identified types of high cost children and the number of States identifying such children were:

Low income	36
Bilingual	24
Sparsity	23
Handicapped	19
Institutionalized including foster homes	9

Because data relating to the above five categories of high cost children were readily available in the State departments of education, was the reason cited for a State's choice of high cost children. A few States shifted to other types of high cost children in their FY 1977 Annual Program Plan because more precise data on other high cost choldren with greater needs were available, or the original choices resulted in the same children receiving benefits from other Federal programs.

States evaluated the overall effectiveness of criteria chosen from "realistic and equitable" to "minimal". For example, one State noted that local educational agencies with the greatest needs received more funds per pupil and therefore were able to improve the quality of their instructional program. On the other hand, some States reported difficulties at the local level because of small allocations, the inability or reluctance to identify high cost children and to spend funds earned by the district for high cost children for the benefits of these children.

4. Maintenance of Effort

States reported overall State maintenance of effort, i.e. aggregate amount expended from State and local funds for program purposes of ESEA Title IV was not less than the amount so expended for the previous year. However, these were individual local educational agencies in many States that did not maintain fffort because of decreased tax revenues, declining enrollments, inflationary costs of utilities building maintenance, cost of living salary increments, or large expenditures for building and equipping new facilities the previous year, or a governor's or legislation mandated across the board cut in expenditures.

Number of Children Benefiting

	Public			Private		
	Elementary	Secondary	Total	Elementary	Secondary	Total
Testing	796,683	755,418	1,552,101	90,465	49,827	140,292
Counseling & Guidance	395,603	1,345,016	1,740,619	22,722	5,178	27,900

3/21/77

Estimated Expenditures for Benefits of Public and Private School Children, ESEA Title IV-B

	School Library Resources Textbooks and Other Instructional Materials			Equipment and Minor Remodeling 1/			Testing, Counseling and Guidance			Totals		
TOTALS	23,180,219	2,214,081	25,394,300	15,230,330	632,815	15,863,145	5,416,079	295,158	5,711,237	43,826,628	3,142,054	46,968,682
	Public	Private	Total	Public	Private	Total	Public	Private	Total	Public	Private	Total
Alabama	493,012	16,791	509,803	91,320	4,823	96,143	82,222	1,320	83,542	[illegible]	22,942	[illegible]
Alaska	NA		NA	NA	NA	NA			NA	NA	NA	
*Arizona	583	0	583	10,223	0	10,223	0	0		10,806	0	10,806
Arkansas	[illegible]	5,361	[illegible]	[illegible]	1,789	[illegible]	34,030	150	34,180	374,730	7,300	[illegible]
California	2,169,327	183,337	2,352,664	[illegible]	20,215	715,885	[illegible]	5,727	257,757	[illegible]	[illegible]	[illegible]
Colorado	99,293	5,397	104,690	137,236	1,573	138,809	53,712	1,506	55,218	290,241	8,476	298,717
Connecticut	[illegible]	42,879	[illegible]	[illegible]	11,856	[illegible]	[illegible]	385	[illegible]	[illegible]	[illegible]	[illegible]
Delaware	[illegible]	[illegible]	[illegible]	32,237	0	32,237	3,785	0	3,785	[illegible]	[illegible]	[illegible]
Dist. of Col.	NA		NA		NA	NA	NA	NA	NA	NA	NA	NA
Florida	[illegible]	[illegible]	[illegible]	1/[illegible]	7,645	[illegible]	672,624	33,343	[illegible]	[illegible]	[illegible]	[illegible]
Georgia	664,486	24,831	689,317	719,888	14,544	734,432	75,644	2,365	78,009	1,460,018	41,740	1,501,758
Hawaii	1,498	450	1,948	0	0	0	0	0	0	1,498	450	1,948
Idaho	[illegible]	[illegible]	[illegible]	1/[illegible]	-	[illegible]	[illegible]	113	[illegible]	[illegible]	3,965	[illegible]
Illinois	[illegible]	NA	[illegible]	[illegible]	NA	[illegible]	[illegible]	NA	[illegible]	[illegible]	NA	[illegible]
Indiana	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	840	[illegible]	[illegible]	[illegible]	[illegible]
Iowa	416,710	217,518	634,228	143,522	7,565	151,087	37,026	10,935	47,961	597,258	236,018	833,276
Kansas	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Kentucky	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Louisiana	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Maine	[illegible]	NA	[illegible]	[illegible]	NA	[illegible]	24,661	NA	24,661	[illegible]	NA	[illegible]
Maryland	803,827	NA	803,827	294,667	NA	294,667	0	0	0	1,098,494	NA	1,098,494
Massachusetts	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Michigan	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Minnesota	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	116,188	[illegible]
Mississippi	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	1,300	[illegible]	[illegible]	11,156	[illegible]
Missouri	470,819	99,160	569,979	495,863	37,178	533,041	74,296	12,373	86,669	1,040,978	148,711	1,189,689
Montana	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	7,317	365	[illegible]	[illegible]	[illegible]	[illegible]
Nebraska	0	0	0	0	0	0	0	0	0	0	0	0
Nevada	0	0	0	0	0	0	0	0	0	0	0	0
New Hampshire	[illegible]	0	[illegible]	[illegible]	0	[illegible]	21,287	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
New Jersey	780,282	161,640	941,922	1/701,937	59,851	761,788	254,955	65,007	319,962	1,737,174	286,498	2,023,672
New Mexico	[illegible]	NA	[illegible]	[illegible]	NA	[illegible]	2,881	NA	2,881	[illegible]	NA	[illegible]
New York	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
North Carolina	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	377	[illegible]	[illegible]	[illegible]	[illegible]
North Dakota	[illegible]	[illegible]	[illegible]	[illegible]	3,310	[illegible]	[illegible]	0	[illegible]	[illegible]	16,241	[illegible]
Ohio	1,548,914	159,962	1,708,876	1,169,198	30,365	1,199,563	136,171	85,772	221,943	2,854,283	276,099	3,130,382
Oklahoma	[illegible]	11,100	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Oregon	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Pennsylvania	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Rhode Island	0	0	0	0	0	0	0	0	0	0	0	0
South Carolina	327,587	5,315	332,902	424,235	5,063	429,298	42,908	793	43,701	794,731	11,171	805,902
South Dakota	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Tennessee	[illegible]	[illegible]	[illegible]	[illegible]	76	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Texas	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Utah	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	7,332	[illegible]
Vermont	20,381	171	20,552	24,931	310	25,241	1,446	0	1,446	46,758	481	47,239
Virginia	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Washington	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	115,821	[illegible]	117,724	[illegible]	[illegible]	[illegible]
West Virginia	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	472,958	9,174	482,132
Wisconsin	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	114,361	[illegible]	114,361	[illegible]	[illegible]	[illegible]
Wyoming	0	0	0	0	0	0	0	0	0	0	0	0
BIA	0	0	0	0	0	0	0	0	0	0	0	0
American Samoa	NA		NA		NA		NA		NA		NA	NA
Guam	NA		NA		NA		NA		NA		NA	NA
Puerto Rico	[illegible]	0	[illegible]	[illegible]	0	[illegible]	0	0	0	[illegible]	0	[illegible]
Trust Territory	NA		NA		NA		NA		NA		NA	
Virgin Islands	NA		NA		NA		NA		NA		NA	

1/ Minor Remodeling included in public "Equipment and Minor Remodeling". *Only few projects funded NA-Not available

3/15/77

NATIONAL SUMMARY WORKSHEET BY STATES

Total Estimated Obligations and Expenditures for ESEA Title IV Program, FY 1976

	$ SLR, Text-books OIM	%	$ Equipment Minor Remodeling	%	$ Testing Guidance Counseling	%	$ Total (a+c+e)		
TOTALS	25,394,300	54.1	15,863,145	33.7	5,711,237	12.2	46,968,682		
	a	b	c	d	e	f	g		
Alabama	509,803	74.0	96,043	13.9	83,542	12.1	689,388		
Alaska	NA		NA		NA		NA		
**Arizona	583	5.4	10,223	94.6	0		10,806		
Arkansas	231,967	40.5	306,499	53.5	34,180	6.0	572,646		
California	2,353,644	69.0	715,895	21.0	357,757	10.0	3,427,296		
Colorado	104,690	35.1	138,609	46.4	55,218	18.5	298,517		
Connecticut	473,689	56.8	224,960	27.0	135,256	16.2	833,905		
Delaware	128,315	78.1	32,237	19.6	3,785	2.3	164,337		
Dist. of Col.	NA		NA		NA				
Florida	732,032	42.5	303,014	17.35	705,967	40.6	1,741,013		
Georgia	689,317	45.9	734,432	48.9	78,009	5.2	1,501,758		
**Hawaii	1,948	100.0	0		0		1,948		
Idaho	107,346	54.3	82,443	41.7	7,933	4.0	197,722		
Illinois	2,131,981	85.4	174,382	7.0	188,662	7.6	2,495,025		
Indiana	979,090	63.3	531,006	34.3	37,473	2.4	1,546,569		
Iowa	634,228	76.1	151,087	18.1	47,961	5.8	833,276		
Kansas	301,320	56.2	175,358	32.7	59,596	11.1	536,274		
*Kentucky	392,049	40.4	414,399	42.7	163,673	16.9	970,121		
Louisiana	736,973	61.9	388,470	32.6	66,140	5.5	1,191,583		
*Maine	168,641	64.3	69,002	26.3	24,661	9.4	262,304		
Maryland	803,827	73.1	294,667	26.9	0	0	1,098,494		
Massachusetts	1,000,869	67.9	384,338	26.0	90,410	6.1	1,475,617		
Michigan	1,420,231	56.6	699,990	27.9	387,733	15.5	2,507,954		
Minnesota	553,228	47.6	515,596	44.3	93,052	8.1	1,161,876		
Mississippi	321,838	44.0	354,727	49.9	44,805	6.1	731,370		
Missouri	569,979	47.9	533,041	44.8	86,669	7.3	1,189,689		
Montana	67,428	41.3	88,093	54.0	7,702	4.7	163,223		
Nebraska	NA		NA		NA		NA		
Nevada	0	0	0	0	0	0	0		
New Hampshire	80,805	57.5	38,025	27.1	21,715	15.4	140,545		
New Jersey	941,922	46.6	761,788	37.6	319,962	15.8	2,023,672		
New Mexico	214,005	68.4	96,263	30.6	2,881	1.0	313,149		
New York	1,437,732	30.3	1,946,148	41.5	1,362,542	28.7	4,746,422		
*North Carolina	738,729	48.9	617,789	40.8	155,450	10.3	1,511,968		
North Dakota	133,882	61.8	78,998	36.4	3,939	1.8	216,819		
Ohio	1,708,876	54.7	1,199,563	38.2	221,943	7.1	3,130,382		
Oklahoma	303,455	47.2	239,320	37.2	99,973	15.6	642,748		
Oregon	274,039	68.7	89,916	22.5	35,209	8.8	399,164		
Pennsylvania	NA		NA		NA		NA		
Rhode Island	0		0		0		0		
South Carolina	332,902	41.3	429,299	53.3	43,701	5.4	805,902		
*South Dakota	127,779	63.8	69,357	34.6	3,164	1.6	200,300		
Tennessee	649,845	57.5	335,152	29.7	144,264	12.8	1,129,261		
Texas	536,283	45.9	610,165	52.4	141,831	1.7	1,288,279		
Utah	283,222	69.7	94,650	23.3	28,676	7.0	406,548		
Vermont	20,552	43.5	25,241	53.5	1,446	3.0	47,239		
Virginia	761,480	54.8	560,212	40.3	68,620	4.9	1,390,312		
Washington	566,828	57.2	306,108	30.9	117,724	11.9	990,660		
West Virginia	247,747	51.4	170,763	35.4	63,662	13.2	482,172		
Wisconsin	605,931	45.9	599,283	45.4	114,351	8.7	1,319,565		
Wyoming	NA		NA		NA		NA		
BIA	0		0		0		0		
American Samoa	NA		NA		NA		NA		
Guam	NA		NA		NA		NA		
**Puerto Rico	14,263		166,604				180,867		
Trust Territory	NA		NA		NA		NA		
Virgin Islands	NA		NA		NA		NA		

NA = Not available * = Estimated **Funded few projects (FY 1976)

SAMPLE PROJECTS

ARKANSAS	SOCIAL STUDIES
DELAWARE	MUSIC, LIBRARY MATERIALS FOR BASIC SKILLS, CAREERS, GUIDANCE AND RECREATION
HAWAII	ETHNIC STUDIES
IDAHO	TESTING, COUNSELING AND GUIDANCE
MINNESOTA	ALCOHOLISM AND DRUG ABUSE
MISSISSIPPI	INSTRUCTIONAL MATERIALS AND EQUIPMENT AND TESTING SERVICES
NEW MEXICO	MULTI-DISCIPLINARY MEDIA
NEW YORK	SCIENCE
NORTH DAKOTA	MOTIVATIONAL READING
WASHINGTON (STATE)	CONSOLIDATING CAREER EDUCATION IN THE LEARNING CENTER
WEST VIRGINIA	TOUCH MUSEUM AT THE WEST VIRGINIA SCHOOL FOR THE BLIND

Forrest City School District
Forrest City, Arkansas
Number of children: 2,793 elementary school children
Cost: $19,896 ($10,000 SLR; $9,896 instructional equipment)

To develop a more positive attitude towards social studies and to increase the effective use of audiovisual materials relating to social studies as well as the equipment were set as objectives for the Forrest City Elementary School Social Studies program. 2,793 elementary school students in 8 schools now have access to an enriched social studies curriculum provided through new film strips, tape cassettes and equipment.

To date,check out records show that utilization has exceeded the objective of a 10% increase in use as reflected in check out records. Attitudinal surveys will be compiled at the end of this school year.

Wilmington School District, Wilmington, Delaware
Library Resources/Instruction
Equipment

Number of Pupils: 20,450 in public and private schools
Cost of project: $38,080.00

The ESEA Title IV project has two parts:

(1) An electric piano laboratory for students' use includes videotape players and cameras for diagnostic work. This piano lab supports the activities.

(2) Library resources selected by librarians, teachers and guidance counselors provide a wide selection of print and nonprint materials for basic skills, careers, guidance and recreation.

Immaculate Conception School (Grade K-6) (Private School)

Title of Project: Ethnic Studies in a Multi-Media Environment - Hawaii

No. of students involved in the project: 162

Amound funded: $ 200 - Library books
800 - Other materials
$ 1,000

Description of project: The purpose of this project is to enchance the social development of the child through multi-media instruments; and to enrich the program designed to stimulate cultural awareness of the individual and appreciation of various other ethnic backgrounds of the children of Immaculate Conception School. The project is intended for all students who are ethnically deprived due to cultural, linguistic and socioeconomic differences existing in the home and community, resulting in inaccurate knowledge of the various ethnic groups, namely Filipino, Portuguese, Hawaiian, Caucasian and Japanese.

In the learning center, the students will select multi-media materials that suit his interets and abilities; perform the required task on the media assignment; and evaluate the result under the guidance of the grade level teacher who encourages and commends the student's progress at his own rate.

In lieu of the standardized tests and measurements, the objectives will be attained by the teachers' observation of the gradual growth of the students toward ethnic awareness and appreciation and by the students' assimilation among the ethnic groups with ease and understanding throughout the school year.

Filer School District, No. 413
Filer, Idaho

Number of Pupils: 423 elementary and secondary
Cost of project: $775.00

Filer had a need for "occupational information materials, standardized tests and scoring services in order to enable more students to see the relationship between school and the world of work and to help students and their parents obtain a realistic picture of the student's academic standing." To meet these needs, the district expended the majority of its funds for Guidance and Testing materials. The testing was well planned and the results shared with parents. Programs were also developed to assist those students whose test results indicated academic weaknesses.

Gem County Joint School District, Number 221
Emmett, Idaho

Number of Pupils: 1450 elementary and secondary
Cost of project: $2,2550.00

This district did not have a testing program and desired one. Local funding was not sufficient to cover the entire cost of such a project; therefore, the district decided to utilize its Title IV-B funds for this purpose. In so doing, they hoped "to meet the needs of the students by finding first where they were academically and then by improving the weak areas in the school curriculum." The SEA monitored this program, viewed the testing materials and results and listened to the plans for improving the 1976-77 school program. The SEA found Gem County's utilization of the funds, as well as its attitude concerning testing, to be commendable. The administration expressed gratitude for the funding and believed that it assisted them in achieving their goals.

Hinds County School District, Mississippi
Enrollment - 11,110
Total Allotment, Part B - 34,597.00

Each faculty in the eight schools of the district discussed and ranked goals on a needs assessment form, according to the school's needs. These assessments were returned to the central office where a compilation was made representing the needs of the entire district.

Hinds County submitted a project application for materials, equipment, and guidance services based on the needs determined by each of the schools. Films, recordings, audiovisual equipment, including some ETV equipment were purchased for language arts, mathematics, and social studies classes. Science labs, kits and other materials were purchased for science programs in several schools. Equipment and materials were purchased for industrial arts programs and for use in the area of arts and humanities. Career guidance materials were ordered. Testing services were provided through the project.

The supervisor of Media Services and the Supervisor of Special Services for the district worked cooperatively in coordinating the 18 schools in the development of the system-wide project.

Coon Rapids Secondary Schools, Anoka - Hennepin School District #11, Minnesota

Number of Pupils: 14,433
Cost of project: $11,000.00

A program for alcoholism and drug abuse at the Coon Rapids Secondary Schools was designed (1) to establish an educational program relating to alcoholism and drug abuse at the Coon Rapids secondary schools (2) to increase staff's and students' awareness by focusing on prevention of chemical dependency, early identification of the disease, and its impact on family, personal and social relationships (3) to create a climate of acceptance of the school and its trained personnel to serve as resources for families with drug-related problems in the community.

Counselors, teachers, principals, nurses, and familes of the Coon Rapids Senior and Junior High Schools were involved in planning and implementing the project.

Of the 565 complaints about Coon Rapids students brought to Juvenile Court for all violations of law, at least 25% were related to liquor and narcotics violation.

The two statements were made voluntarily to one counselor at the Coon Rapids Junior High School.

Female - 15 - 9th grade
Sharon claims she has been drinking for the past 2 1/2 years. At first, Sharon would drink primarily at parties and with friends. Then Sharon became involved with family problems and this bothered her. At this time Sharon began to drink because it "made her feel better". Sharon started

drinking before coming to school and then could hardly wait to get home to drink some more. The parents were informed and Sharon joined AA. Presently, Sharon isn't sure whether she wants to continue going to AA meetings.

Male - 15 - 9th grade
John claims he has been smoking "pot" for the past 3 years. John feels he is a mild user. He admits that it is nice to smoke pot when things don't go right. His grades have presently dropped from a "B" average to a "D" average.

New Mexico
Number of Pupils: 5,625 public elementary school
private elementary school
Cost: $4,894 of $9,716 grant

Multidisciplinary Media Resources Project was designed to motivate reading and learning by providing a wide variety of materials and resources for public and private elementary school pupils, 70% of whom scored below grade level in reading. To overcome this reading deficiency, advanced enrichment opportunities, supplementary content reading and motivational materials in all academic areas were acquired through this project. Special consideration in the selection of materials was given to the specific needs of the pupils (45% of whom are Anglo and 55%, Spanish-surnamed).

New York -- Westmoreland Central School
Number of Pupils: 780 secondary school students
Cost of project: $1,557.00

A Citizen's Committee and the local school district administration set improvement of the science program for 780 secondary school students as first priority. Renovation of a wing of the school provided expanded facilities, permitted laboratory experiences for students formerly deprived of them and physically unified science department. Updating and revising curriculum followed remodeling.

Local funds paid for renovation of facilities.

ESEA IV-B funds, for equipment and other curricula needs;

ESEA II for supportive science materials for the library.

NDEA III for laboratory furnishing and some equipment.

There are no private schools in the district.

North Dakota -- Mud Butte (Rhame)
Number of Pupils: 12
Cost of project: $265

Mud Butte School is a small one-teacher school with twelve pupils in grades 1-8. Pupils are avid readers; many of them read 50 to 100 books in a school term. Each day the pupils have a thirty minute free reading period in addition to reading classes in an enclosed, carpeted area set up as a reading center. As a result of this sustained interest in reading, the pupils have expanded their vocabularies in their creative writing and routine class assignments as well as in their conversation. In addition they have improved their dictionary skills. The funds from this program were used to purchase books and kits to meet the reading interests of the students and to support the mathematics program with emphasis on metric education.

Franklin Pierce School District, Washington
"Consolidating Career Education in the Learning
Resources Center

Number of Pupils: 8,152
Cost of project: $27,401

The career education program, a major objective of the districts Experimental Schools Project, funded by U.S.O.E. and N.I.E., provided materials, equipment, and personnel for career and occupational counseling for four years. Two years ago the faculty and resource center specialist cooperatively developed a career center in a portion of the remodeled resources center. (The voters had provided levy funds for this). The present project up-dated the career education holdings and concentrated, in a single place, career resources. The students have access to group and individual career counseling, an audiovisual bank of equipment and materials, a wide selection of printed materials, community resource people relating to many careers and a work experience program. Career counselors, the resource center specialists, and the work experience supervisor are available every day for assistance to students and faculty. This project has drawn "together all those physical and human resources into a career center for the student has his teachers."

Salary for 1 elementary counselor to serve 459 pupils	$ 9,000
Salary for 1 secondary counselor to serve 939 pupils	$14,000
Materials to be used by 8,152 pupils	$ 4,401
Total Cost	$27,401

West Virginia -- 1976
Number of children served: 292
Cost of project: $2,379

The West Virginia School for the Blind has allocated its ESEA IV-B funds to develop a Touch Museum. The Museum provides blind and visually impaired students with the opportunity to examine shape and size of certain animals, to examine modes of transportation, weapons, homes and architecture, sporting equipment, and items essential to people in past years - such as churns, looms. Where possible realia, models and mock ups have been acquired.

Long range plans include many additions to this museum.

*High Cost Children Factors Selected by States, FY 1976 and FY 1977

	1976	1977
Aid for Dependent Children	6	5
Basic Skills (Reading, Mathematics)	3	2
Bilingual (Cultural Isolation)	24	26
Critical Subjects (other than reading and mathematics)		2
Free Lunch	2	2
Gifted and Talented	4	10
Guidance - FY 1977 (Potential droupouts delinquent - FY 1976)	1	1
Handicapped, Exceptional Children, Special Education	19	19
Hawaiian English Program	1	1
Institutionalized Program (Includes Foster homes, neglected and delinquents, and institutionalized)	9	10
Low Income (Economically and Educationally Disadvantaged)	36	38
Migrant (Including immigrant children in American Samoa)	3	3
Minorities	1	1
Reading Difficulties		2
Small Schools	6	10
Sparsity (Isolation, Sparsity, Transportation)	23	26
Special Needs	1	4
Vocational Education	1	3

*Factors

	State	Funds Made Available by States for Carrying Out Legislated Functions of Title IV ESEA State Advisory Councils				
	TOTALS	1977				
	TOTAL 50 STATES AND D.C.					
1	ALABAMA	20,000				
2	ALASKA	18,000				
3	ARIZONA	8,500				
4	ARKANSAS	9,612				
5	CALIFORNIA	47,786				
6	COLORADO	21,250				
7	CONNECTICUT	15,000				
8	DELAWARE	4,000				
9	DISTRICT OF COLUMBIA	20,000				
10	FLORIDA	14,000				
11	GEORGIA	7,500				
12	HAWAII	16,316				
13	IDAHO	40,000				
14	*ILLINOIS	111,000				
15	INDIANA	31,000				
16	IOWA	12,000				
17	KANSAS	43,500				
18	KENTUCKY	15,000				
19	LOUISIANA	54,694				
20	MAINE	8,000				
21	MARYLAND	5,000				
22	MASSACHUSETTS	14,000				
23	MICHIGAN	15,000				
24	MINNESOTA	13,000				
25	MISSISSIPPI	12,000				
26	MISSOURI	21,000				
27	MONTANA	34,700				
28	NEBRASKA	21,000				
29	NEVADA	14,300				
30	NEW HAMPSHIRE	8,500				
31	NEW JERSEY	20,600				
32	NEW MEXICO	15,428				
33	NEW YORK	43,059				
34	NORTH CAROLINA	60,000				
35	NORTH DAKOTA	12,631				
36	OHIO	25,000				
37	OKLAHOMA	10,000				
38	OREGON	6,000				
39	PENNSYLVANIA	20,000				
40	RHODE ISLAND	16,000				
41	SOUTH CAROLINA	10,500				
42	SOUTH DAKOTA	12,241				
43	TENNESSEE	5,920				
44	TEXAS	6,000				
45	UTAH	25,000				
46	VERMONT	40,000				
47	VIRGINIA	25,000				
48	WASHINGTON	40,000				
49	WEST VIRGINIA	15,000				
50	WISCONSIN	26,500				
51	WYOMING	9,580				
	TOTAL OUTLYING AREAS					
52	AMERICAN SAMOA	10,000				
53	GUAM	15,000				
54	PUERTO RICO	31,220				
55	TRUST TERRITORIES OF THE PACIFIC ISLANDS	17,000				
56	VIRGIN ISLANDS	3,000				

*[illegible] WORKSHEET 1977

The Contribution of ESEA Title IV, Part B to Bilingual Education

to be included in the second

REPORT TO CONGRESS ON THE CONDITION OF BILINGUAL EDUCATION IN THE NATION, 1977

TITLE IV, PART B OF THE ELEMENTARY AND SECONDARY EDUCATION ACT (P.L. 93-380)

I. Introduction

Part B of Title IV of the Elementary and Secondary Education Act (ESEA) authorizes the U.S. Commissioner of Education to carry out a program of grants to the States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Department of the Interior for Indian children in schools operated by the Bureau of Indian Affairs, and the Department of Defense for children in its overseas dependents schools. All eligible agencies are participating except the Department of Defense.

Three formerly categorical programs were consolidated as Part B — ESEA Title II, Title III of the National Defense Education Act, and the Testing, Counseling, and Guidance portion of ESEA Title III. The purposes of the categorical programs were retained and are as follows:

(1) the acquisition of school library resources, textbooks, and other printed and published instructional materials

(2) the acquisition of instructional equipment (including laboratory and other special equipment, including audiovisual and other equipment suitable for use in providing instruction in the academic subjects), and minor remodeling for use of the equipment

(3) (A) a program of testing students, (B) programs of counseling and guidance services, and (C) programs, projects, and leadership activities designed to expand and strengthen counseling and guidance services.

Title IV, Part B is administered by State education agencies on the basis of an approved Annual Program Plan, which includes criteria for the distribution of the program funds to local educational agencies. Distribution formulas are based on straight enrollment, higher than State average tax effort for education, and the enrollment of children whose education imposes a higher than average cost. Funds received by the local educational agencies for high-cost children must be spent for benefits for those specific types of children.

In Fiscal Year 1976, the first year of Title IV, 25 States and other agencies selected children from families where English is not the dominant language as high-cost. Two States with large numbers of Spanish speakers in their migrant streams selected migrant children to receive additional benefits. Children from low-income families and educationally disadvantaged children, selected by 36 States and other agencies in 1976, include many whose first language is not English. It should be noted that the large majority of elementary and secondary school children in Bureau of Indian Affairs schools, and those children in American Samoa, Puerto Rico, the Trust Territory of the Pacific Islands, and the Virgin Islands speak languages other than English. For these agencies, all Part B program funds provide additional instructional materials and equipment to support instruction or testing, counseling and guidance services for children learning English as a second, or in some cases, third language.

Eligible applicants are local educational agencies which provide benefits to children and teachers in public and nonprofit private elementary and secondary schools within their bounds.

II. Overview

The State Title IV, Part B Performance Reports for Fiscal Year 1976, the first year of operation, provide descriptions of a number of school projects for children of limited English-speaking ability selected for inclusion because they are, or show promise of being, outstanding in terms of educational benefits. Some examples are described below:

Holland Public Schools, Holland, Michigan
Number of children served: 252
ESEA Title IV, Part B grant: $3,422
Purpose: Materials and equipment to improve reading

Holland Public Schools, Holland, Michigan used its grant to purchase books, filmstrips, tapes, and equipment to be used to raise the motivation level of children of limited English-speaking ability. The Metropolitan Reading Test identified in one elementary school 9 out of 18 youngsters who came from homes where Spanish is the dominant language and who were in the 25th percentile or lower in reading readiness. In the fourth grade, fewer than 50 of the non-English speaking pupils attained 7 out of the 19 specific objectives on the Michigan Assessment Test. In the junior high, tests identified Spanish-speaking youngsters who found English so difficult that they were unable to learn at their levels of capability. These non-English speaking pupils are using materials and equipment purchased to raise their motivation and skill levels. They will be post-tested for evaluation using the Metropolitan Readiness, the Michigan Assessment, and the Gates McGinitie in order to determine if their needs are being met.

Elko County School District, Elko, Nevada
Number of children served: 2,136 elementary; 1,812 secondary
ESEA Title IV, Part B grant: $2,088
Purpose: Production equipment for teacher-created materials

Elko County School District, Elko, Nevada enrolls Indian children almost exclusively. The District, after concentrating for two years on science and social studies software, turned to hardware items that not only permit wider use of commercially produced audiovisual programming, but also encourage creation of teacher-conceived materials. Elko County's teachers may now set themselves up as producers-directors-editors-writers of their own productions. Imaginative teachers and their pupils may now create materials on Indian culture and heritage to fill the commercial materials gap.

Gadsden Schools, Anthony, New Mexico
Number of children served: 864 secondary
ESEA Title IV, Part B grant: $2,365
Other funds: $12,214
Purpose: Counseling and guidance resources to expand counseling services into the classroom

Gadsden Schools which has a student population 85 percent Spanish-surnamed used its grant funds to supplement its secondary school project designed to increase students' social awareness. New resources in the form of filmstrips, books, posters, and kits were purchased so that materials on values, careers, families, and self-concept issues were readily accessible for classroom, individual, or small group use. The items were specifically selected for use in the guidance, career education, consumer education, health education, and social awareness curriculums. The project had a developmental rather than a remedial approach to guidance, and expanded guidance services into the classroom.

Nanaikapono Elementary School, Nanakuli, Leeward District, Oahu, Hawaii
Number of children served: 1,350 elementary, grades K-6
ESEA Title IV, Part B grant: $1,000
Purpose: Materials on minority groups in Hawaii

The community-school museum, located on the Nanaikapono Elementary campus, was established to provide the setting and resources for implementing a Pacific cultural heritage curriculum. Funds for the project were used to obtain printed and audiovisual materials on minority groups in Hawaii so that pupils could better understand and appreciate their cultural heritage. Objectives of the project were:

1. To serve as a resource center to develop and disseminate information on the cultures of the Pacific through materials and processes of Polynesian life,

2. To provide learning centers and work areas for various activities related to Pacific cultures,

3. To stimulate and vitalize the study of Hawaiians and their history by actively involving pupils in the operations and cultural activities of the museum, and

4. To involve the community and institutions of learning in the activities of the museum.

In Fiscal Year 1977, 27 States and other agencies selected bilingual children as one type to receive additional benefits because of their high educational cost, and two States choosing migrant children in Fiscal Year 1976, selected them again for Fiscal Year 1977 benefits. The number of States and other agencies using low-income or educationally disadvantaged children as a high-cost factor increased by two in Fiscal Year 1977 to a total of 38.

III. Program Funding

ESEA Title IV, Part B - FY 1976: $68,665,000*

Of this total, the estimated amount used to benefit approximately 2,077,000 children of limited English-speaking ability is $4,126,000.

Special amounts were allocated for benefits for bilingual children in the following States and other agencies:

- American Samoa
- Arizona
- Bureau of Indian Affairs
- California
- Colorado
- Connecticut
- District of Columbia
- Georgia
- Guam
- Hawaii
- Illinois
- Louisiana
- Massachusetts
- Michigan
- Missouri
- Nebraska (public schools only)
- Nevada
- New Mexico
- Ohio
- Oklahoma (public schools only)
- Oregon
- Texas
- Utah
- Vermont
- Washington
- Wisconsin

ESEA Title IV, Part B - FY 1977: $147,644,918

Of this total, the amount to be used to benefit about 2,146,000 children of limited English-speaking ability is estimated at $6,772,000.

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*Half-funding for FY 1976. The other half funded the categorical programs consolidated as Title IV, Part B.

7/19/77

INTERAGENCY COOPERATION WITH THE BUREAU OF INDIAN AFFAIRS AND OUTLYING AREAS UNDER THE DEPARTMENT OF THE INTERIOR

The Education Program Specialist of the School Media Resources Branch, Division of Library Programs, Office of Libraries and Learning Resources worked closely with staff of the Bureau of Indian Affairs, American Samoa, and the Trust Territory of the Pacific Islands for a number of years on their ESEA Title II and NDEA Title III programs, and continues to do so on ESEA Title IV overall administration and Part B.

Because of the special nature and problems of these agencies, she has provided them with a considerable amount of services and assistance.

- In response to requests for technical assistance from each of the three agencies mentioned above in Fiscal Year 1975, a team consisting of Part B and Part C program officers gave consultation service in Albuquerque for BIA, and in Honolulu for American Samoa, and Trust Territory.
- A two-member team of Part B and Part C specialists conducted on-site reviews of the three agencies' administration of Title IV during Fiscal Year 1977.
- The Part B program specialist has had individual consultations with representatives of BIA and the outlying areas of the Pacific on their Title IV concerns at every national Title IV conference.
- At Outlying Areas Week in the Office of Education, similar individual consultations were arranged for staff from American Samoa and Trust Territory.
- At the request of BIA staff, the Title IV Part B and Part C program officers have met several times with personnel from the Indian Education Resources Center and Area Offices to discuss the proposed reorganization of the Bureau, and to review the draft Title IV Annual Program Plan for Fiscal Year 1978.
- Because of the problems posed by the imminent change in status of the Northern Mariana Islands and at the request of the Marianas/Washington Liaison Officer, Part B and C program officers have met with the Liaison Officer and the Government of the Northern Mariana Islands Director of Education to brief them on Title IV and to offer assistance in the preparation of the Northern Marianas' Annual Program Plan. A technical amendment to the Title IV statute was recommended to the Office of Legislation to add the Northern Mariana Islands as an eligible agency. An allotment table showing the Northern Marianas' share of Part B funds was also requested.

It is anticipated that the close working relationships between the Part B program officer and her counterparts in BIA and other participating agencies supported by Department of the Interior funds will continue.

Appendix 4

Documents Relating to the Administration of ESEA Title IV, Part C

(from U.S. Office of Education)

1. Allotment Tables, ESEA Title IV, Part C, Innovation and Support, Fiscal Years 1976, 1977, and 1978
2. The contribution of ESEA Title IV, Part C to Bilingual Education

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DEPARTMENT OF HEALTH, EDUCATION AND WELFARE
U.S. Office of Education
Bureau of School Systems - State and Local Educational Programs

ALLOTMENTS TO STATES, THE EXTRA-STATE JURISDICTIONS, AND THE DEPARTMENT OF THE INTERIOR UNDER TITLE IV, PART C, OF THE ELEMENTARY AND SECONDARY EDUCATION ACT, AS AMENDED

INNOVATION AND SUPPORT

Fiscal Year Ending September 30, 1976

July 1, 1975

Total United States and Outlying Areas			$86,444,000 [1]
Alabama	1,473,301	**New Jersey**	2,910,628
Alaska	155,343	**New Mexico**	505,272
Arizona	869,918	**New York**	6,926,641
Arkansas	811,051	**North Carolina**	2,117,564
California	7,992,783	**North Dakota**	273,076
Colorado	1,007,274	**Ohio**	4,392,105
Connecticut	1,231,294	**Oklahoma**	1,018,720
Delaware	240,372	**Oregon**	858,472
District of Columbia	253,454	**Pennsylvania**	4,568,705
Florida	2,804,341	**Puerto Rico**	1,400,647
Georgia	2,001,466	**Rhode Island**	366,281
Hawaii	343,389	**South Carolina**	1,156,075
Idaho	330,307	**South Dakota**	289,428
Illinois	4,500,028	**Tennessee**	1,612,292
Indiana	2,191,147	**Texas**	4,853,227
Iowa	1,170,792	**Utah**	511,813
Kansas	876,459	**Vermont**	191,317
Kentucky	1,350,662	**Virginia**	1,945,870
Louisiana	1,666,253	**Washington**	1,368,649
Maine	425,148	**West Virginia**	690,048
Maryland	1,695,686	**Wisconsin**	1,926,247
Massachusetts	2,274,542	**Wyoming**	145,531
Michigan	3,867,211		
Minnesota	1,658,077	**American Samoa**	62,699
Mississippi	1,017,085	**Guam**	175,886
		Virgin Islands	143,945
Missouri	1,870,651	**Trust Territory**	196,621
Montana	313,955		
Nebraska	618,100	**Bureau of Indian Affairs**	
Nevada	225,655	**(Dept. of Interior)**	
New Hampshire	323,767		

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[1] The funds were allotted on the basis of the 5-17 population, 7/1/73 (Puerto Rico 4/1/70). One percent of the amount for the States, the District of Columbia, and Puerto Rico was reserved for the Extra-State Jurisdictions and the Bureau of Indian Affairs, and was distributed on the basis of the total public and nonpublic enrollment, Fall 1973

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
U.S. Office of Education
Bureau of School Systems - State and Local Educational Programs
Division of State Assistance

ALLOTMENTS OF FISCAL YEAR 1977 FUNDS TO STATES, EXTRA-STATE JURISDICTIONS, AND THE DEPARTMENT OF THE INTERIOR UNDER TITLE IV, PART C OF THE ELEMENTARY AND SECONDARY EDUCATION ACT, AS AMENDED

INNOVATION AND SUPPORT

Total United States and Outlying Areas $182,174,142 1/

Alabama	$ 2,937,187	Nebraska	$ 1,551,741*
Alaska	840,537*	Nevada	947,174*
Arizona	1,790,726	New Hampshire	1,088,720*
Arkansas	1,829,993*	New Jersey	5,795,081
California	16,033,938	New Mexico	1,331,560*
Colorado	2,038,058*	New York	13,744,319
Connecticut	2,475,893*	North Carolina	4,255,453
Delaware	986,657*	North Dakota	1,034,899*
District of Columbia	1,060,411*	Ohio	8,712,444
Florida	5,791,777	Oklahoma	2,207,641*
Georgia	4,024,178	Oregon	1,918,024*
Hawaii	1,120,125*	Pennsylvania	9,052,748
Idaho	1,101,332*	Puerto Rico	3,072,183*
Illinois	8,920,591	Rhode Island	1,190,463*
Indiana	4,354,570	South Carolina	2,329,266
Iowa	2,389,570*	South Dakota	1,067,905*
Kansas	2,006,697*	Tennessee	3,237,844
Kentucky	2,692,697	Texas	9,786,219
Louisiana	3,313,835	Utah	1,354,337*
Maine	1,260,105*	Vermont	915,881*
Maryland	3,383,217	Virginia	3,915,148
Massachusetts	4,539,590	Washington	2,771,991
Michigan	7,721,267	West Virginia	1,704,292*
Minnesota	3,300,619	Wisconsin	3,845,766
Mississippi	2,070,803*	Wyoming	853,161*
Missouri	3,703,697	American Samoa	215,168
Montana	1,090,050*	Guam	382,318
		Virgin Islands	334,377
		Trust Territory of the Pacific Islands	414,579
		Bureau of Indian Affairs	365,320

1/ $171,176,238 allotted to States on the basis of 5-17 population, 7/1/74 (Puerto Rico 4/1/70). An additional $9,286,142 allotted to States(*) whose fiscal year 1977 allocation is less than the total of fiscal year 1974 allocations for comparable purposes. $1,711,762 reserved for the extra-State jurisdiction, Bureau of Indian Affairs, and Department of Defense.

July 1, 1976

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
U.S. Office of Education
Bureau of Elementary and Secondary Education - State and Local Educational Programs
Division of State Educational Assistance Programs

ALLOTMENT OF FUNDS TO STATES, EXTRA-STATE JURISDICTIONS, AND THE DEPARTMENT OF THE INTERIOR UNDER TITLE IV, PART C OF THE ELEMENTARY AND SECONDARY EDUCATION ACT, AS AMENDED, FOR PROGRAM YEAR JULY 1, 1977 THROUGH JUNE 30, 1978

INNOVATION AND SUPPORT

Total United States and Outlying Areas			$192,176,558 1/
Alabama	$ 3,142,009	Missouri	$ 3,912,354
Alaska	840,537*	Montana	1,090,050*
Arizona	1,929,429	Nebraska	1,551,741*
Arkansas	1,829,993*	Nevada	947,174*
California	17,229,336	New Hampshire	1,088,720*
Colorado	2,164,812	New Jersey	6,162,760
Connecticut	2,607,047	New Mexico	1,331,560*
Delaware	986,657*	New York	14,640,122
District of Columbia	1,060,411*	North Carolina	4,561,441
Florida	6,234,088	North Dakota	1,034,899*
Georgia	4,315,359	Ohio	9,201,343
Hawaii	1,120,125*	Oklahoma	2,207,641*
Idaho	1,101,332*	Oregon	1,918,024*
Illinois	9,490,222	Pennsylvania	9,593,648
Indiana	4,611,371	Puerto Rico	3,072,183*
Iowa	2,464,391	Rhode Island	1,190,463*
Kansas	2,006,697*	South Carolina	2,496,488
Kentucky	2,881,661	South Dakota	1,067,905*
Louisiana	3,545,014	Tennessee	3,448,720
Maine	1,260,105*	Texas	10,563,713
Maryland	3,605,643	Utah	1,354,337*
Massachusetts	4,828,922	Vermont	915,881*
Michigan	8,159,951	Virginia	4,194,101
Minnesota	3,502,217	Washington	2,992,220
Mississippi	2,164,812	West Virginia	1,704,292*

Wisconsin	$ 4,079,975
Wyoming	853,161*
American Samoa	215,168*
Bureau of Indian Affairs	541,513
Guam	382,546
Trust Territory	445,897
Virgin Islands	334,377*

1/ $184,522,000 allotted to States on the basis of 5-17 population, 7/1/75. $1,826,950 reserved for the extra-State jurisdiction, Bureau of Indian Affairs, and Department of Defense. An additional $7,654,558 allotted to States(*) whose program year 1978 allocation is less than the program year 1977 allocations for comparable purposes.

July 1, 1977

INNOVATION AND SUPPORT, ESEA TITLE IV, PART C

INTRODUCTION

Title IV, Part C of the Elementary and Secondary Education Act provides grants to State educational agencies to support local projects designed to provide supplementary, vitally needed services to students and school staff, and to promote the development of exemplary elementary and secondary school programs. Furthermore, two specific types of local projects are delineated; the first is concerned with the development of demonstration projects to improve nutrition and health services available to children from low-income families and to train school personnel to provide such nutrition and health services. The second type of project is concerned with seeking innovative solutions to reduce the number of students who do not complete high school. Finally, Title IV, Part C authorizes a maximum set-aside of funds for strengthening the leadership resources of State and local educational agencies. Local projects, SEA and LEA resource personnel, and curricular materials concerning bilingual-bicultural education are thus clearly within the parameters of this program.

States are allotted funds according to a formula prescribed in the Elementary and Secondary Education Act. To receive funds States must submit an annual plan to the Office of Education setting forth the proposed strategy for project development, selection, and management. Through a competitive application process States then award grants to local educational agencies.

OVERVIEW

PAST ACTIVITIES

A sample of ten States was contacted to obtain information on the numbers and types of bilingual education projects which were funded with fiscal year 1976 ESEA Title IV, Part C and III funds. Seven States reported that they had funded a total of 44 projects involving 53,055 students. Funds for these projects were an estimated $2.1 million. The projects were concentrated at the elementary school level; 24 projects involved elementary school students exclusively and 17 projects involved students in grades K-12.

Data indicated that the projects involved children of diverse national and cultural backgrounds--Native American, Chinese, Korean, Mexican, Puerto Rican, and others. Project activities encompassed such curricular areas as reading, math, science, social studies, and the arts. Activities were designed to effect change in the affective areas of education (motivation, self-image) as well. Several projects depended heavily on parental participation; one was designed specifically to train parents to tutor their young children in language arts.

PROGRAM FUNDING FY 1976

In fiscal year 1976, the first year of the ESEA Title IV-C consolidation, the total amount available for all purposes was $174,000,000. Fifty percent of the appropriation was allocated under the Title IV authority and fifty percent was allocated under the four categorical authorities included in consolidation (ESEA Titles III, V and Sections 807 and 808). In fiscal 1977 the total amount allocated under the Title IV-C authority will be $182,000,000. Funds will no longer be appropriated for the categorical programs included in consolidation.

Described below are several project profiles:

Location: Region I Educational Service Center, Edinburgh, Texas

Title: Bilingual AudioVisual Science Materials Preparation Program

Purposes: To develop and produce films, filmstrips and tapes for the elementary science curriculum

Number of Participating Teachers: 1387 (grades K-3)

Level of funding: $34,850

Location: New York City Public Schools, New York

Title: Closing the Gap Between Reading Achievement in English and Spanish for Students in Bilingual Education

Purposes: To identify common elements of English and Spanish; to use these elements in experimental forms of instruction; to describe teaching competencies as they might be used by a bilingual teacher, a partial bilingual teacher, or a non-Spanish speaking teacher; to develop a handbook describing the aforementioned competencies

Number of Participating Students: 400 (grades 2-6)

Level of funding: $82,567

Location: Los Angeles County, California

Title: The Values M.E.C.C.A. (Multi-Ethnic Clarification and Communications Assimilation)

Purposes: To introduce a values awareness minicourse on a small group basis; to develop self-confidence and understanding of intro-personal interaction; to increase skills in the areas of verbal expression and listening

Number of Participating Students: 650 (grades 6-7)

Level of funding: $51,000

PLANNED ACTIVITIES

It is anticipated that some of the ongoing bilingual education projects will be continued in FY 1977. New projects of this type may be funded as well. In addition, it is possible that States may use funds set-aside for strengthening the leadership resources of the State educational agency to hire staff, provide technical assistance to local school districts and develop curricular materials in the area of bilingual education.

Appendix 5

STATE OF IDAHO
OFFICE OF
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
BOISE

ROY TRUBY

August 2, 1977

The Honorable Carl D. Perkins, Chairman
Subcommittee on Elementary, Secondary and
Vocational Education
B-346C Rayburn House Office Building
Washington, DC 20515

Dear Congressman Perkins:

Following are some brief statements reflecting my views concerning the Title IV ESEA program, as requested in your letter of July 26, 1977.

Title IV has been in effect for such a short time it is almost impossible to evaluate the impact and accomplishments of the program. However, since the consolidation did not change the purposes for which the funds are made available, I submit the following comments concerning the accomplishments of Title IV and the programs which were consolidated.

Accomplishments in Idaho under Title IV ESEA

1. Title IV, Part C provides the only research and development money available to most public schools, and has resulted in numerous new and improved techniques and procedures for improving instruction in the schools. These techniques are shared nationally through the dissemination program.

2. Title IV, Part C, for strengthening State Agencies, has allowed the Idaho State Department of Education to expand the services available to the local educational agencies. This has resulted in improved educational programs for students and improved administration at the local level.

3. Local discretion in spending Title IV, Part B funds has permitted local school districts to establish their priorities based on their identified needs.

4. Private school children and teachers have had access to new and improved instructional materials and supplementary services.

5. A seventy-five percent increase in the number of elementary schools with media centers and improved media collections in one hundred percent of the schools in the State.

Problems with Title IV ESEA as Currently Structured

1. The purposes of Parts B and C are different, and the single application requirements for LEAs poses problems in administering the Act effectively.

2. Administration of Parts B and C are interrelated. Separate entitlements for administration creates fiscal burdens and does not maximize efficient operations.

3. The Annual Program Plan creates unnecessary, excessive paperwork. Annual amendments, if needed, should be sufficient.

4. There does not seem to be a need for special set-asides. The accounting necessary to assure the proper percentage for handicapped presents extra administrative burdens which would not seem necessary.

Recommended Legislative Changes for the Administration of Title IV ESEA

1. Amend the law to permit a single application with multiple filings or separate applications for Parts B and C of Title IV ESEA.

2. Amend the law to authorize administration of Title IV ESEA as one program and not require accounting of administrative expenditures by appropriation source. Recommend seven and one-half percent of a state's combined allocation for Parts B and C, excluding funds for strengthening state agencies, or $250,000, whichever is greater.

3. General Educational Provisions Act amended to:

    a. Provide for an initial comprehensive program plan and annual update.

    b. A single maintenance of effort clause enacted which is applicable to educational programs generally. Currently there is considerable confusion among the various Federal program requirements.

4. Include all handicapped set-asides in the program for the handicapped.

5. In the Title IV ESEA reauthorization bill make provision for a permanent Hold Harmless for small states or a formula adjustment which brings those states up to a floor without penalizing larger states.

Thank you, Congressman Perkins, for providing me with the opportunity to briefly share with you some of the concerns and successes of the Title IV ESEA program in Idaho.

Sincerely,

Roy Truby
ROY TRUBY
State Superintendent
of Public Instruction

RT/HW/mt

AMERICAN PERSONNEL AND GUIDANCE ASSOCIATION

August 11, 1977

Honorable Carl D. Perkins
U. S. House of Representatives
2365 Rayburn House Office Building
Washington, D. C. 20515

and

Honorable Albert H. Quie
U. S. House of Representatives
2185 Rayburn House Office Building
Washington, D. C. 20515

Gentlemen:

Having been out of town at the time that testimony was delivered before your Subcommittee on July 27 regarding the American Personnel and Guidance Association's views concerning ESEA, Title IV-B, the consolidation of library, learning and audio-visual programs, I was unable until just recently to read the full statements of other witnesses (those representing the American Library Association) as they relate to one dimension of supposed agreement between ALA and the American Personnel and Guidance Association. I am attaching a copy of a letter which I have just sent to Ms. Eileen Cooke, Director of the Washington Office of the American Library Association clarifying this point.

For the record I do want to make the point that in no instance or way has the American Personnel and Guidance Association agreed with anyone that monies passed through to the local educational agencies should not be used for support of guidance salaries when the LEAs deemed these funds could be so used.

The Association does believe in the flexibility mandated by the consolidated legislation in that an LEA can and has the right to use ESEA Title IV-B consolidated funds in any way they deem appropriate based on need and reflected by the provisions set forth in the ESEA IV-B legislation. Such purposes as they relate to guidance and counseling do permit expenditure of funds in the resource area to provide for guidance and counseling personnel if such a need is determined by local educational agencies.

Our only statement that we did make in our testimony covering this point was that when expenditure of funds were made for guidance counselors by a local educational agency there was an uncertainty developed from year to year as to whether those positions would be continued since needs in any given year might change as compared with another year. Furthering that point we indicated in the Lombana testimony of July 27 that "we should therefore like to see it spelled out specifically that as long as you maintain the aggregate amount of effort at the local level that you can supplant (sic.) salary for personnel."

Thank you for your consideration of this matter. I would be available to answer any further questions or provide additional information on this topic if you would desire.

Sincerely,

Joe

Patrick J. McDonough, Ed.D.
Associate Executive Vice President

PJM:mj

Enclosure

cc: Mr. John F. Jennings
Mr. Christopher Cross
Dr. Norman C. Gysbers
Dr. Charles L. Lewis
Dr. Judy Lombana

AMERICAN PERSONNEL AND GUIDANCE ASSOCIATION

August 11, 1977

Ms. Eileen Cooke
Director, Washington Office
American Library Association
110 Maryland Avenue, S. E.
Washington, D. C. 20003

Dear Eileen:

Over the past several weeks I have been out of town on a work/vacation. I have just returned to the office and have had the opportunity to review the testimony offered by the American Library Association on July 18, 1977 before the Department of Health, Education and Welfare, as well as testimony given on July 27, 1977 before the House of Representatives Subcommittee on Elementary, Secondary and Vocational Education chaired by Congressman Perkins.

This latter testimony was given in concert with our witness, Dr. Judy Lombana, Chairperson of the APGA Government Relations Committee.

In reviewing your testimony, I was surprised to discover that several statements were made by American Library Association witnesses which were contrary to the agreements that we made concerning our combined posture on a revitalized Title IV-B. As you know, our seven points of agreement were set forth in my communications with Sara Case and also summarized in a tentative draft outline dated May 3, 1977. The point of disagreement that I will need to clarify concerns your witnesses' statements about the removal of local guidance salaries as an option for expenditure of "pass through" monies at the local educational agency level. I am attaching the original tentative draft prepared by Sara dated 3/24/77 as well as my communications with Sara of April 5, 1977 and the tentative draft of May 3, 1977 and Dr. Lombana's testimony of July 27, 1977 which reinforces our agreement and reinforces APGA's point of view.

I know that communications, written and verbal, are at best fragile, but given the state of funding as it is, I could not allow the record on this matter to remain uncorrected. Specifically, I refer to the mis-statements in testimony given by Frances C. Dean on July 13, 1977, page 2, concerning "we have worked with the American Personnel and Guidance Association in developing these two proposed changes (removal of local guidance salaries, and use of a separate authorization for state leadership)". The former is certainly inaccurate; the latter is correct. In addition, on July 27, 1977

Ms. Eileen Cooke
August 11, 1977
Page two

before the House Education and Labor Committee, Mrs. Mary Ann Hanna of the Michigan Department of Education, on page 4 of her testimony, as well as Mrs. Carol A. Kearney of the Buffalo Public School System, on page 8 of her testimony, reiterated the same misconception about our agreement. I would be happy to discuss this matter with you further but I believe you should know that at no time did we agree to the removal of local guidance salaries as an option for LEA expenditures, as a part of ESEA, Title IV-B. Our leaders across the country upon reading your testimony, brought these matters to our attention and for the record, I do want to clarify this point.

I hope you have an opportunity to have a vacation some time this summer. I certainly extend my best wishes to the American Library Association and your other professional colleagues there. I look forward to discussing this matter further with you at your convenience, but I will have to inform Congressman Perkins and key staff about this matter to clarify the hearing record.

Sincerely,

Patrick J. McDonough, Ed.D.
Associate Executive Vice President

PJM:mj

Enclosures

cc: Ms. Sara Case
Dr. William J. Erpenbach
Dr. Judy Lombana

NA
SW

NATIONAL ASSOCIATION OF SOCIAL WORKERS, INC.
1425 H St., N.W., Suite 600, Washington, D.C. 20005 (202) 628-6800

August 12, 1977

John F. Jennings, Esq.
Counsel
Subcommittee on Elementary, Secondary
and Vocational Education
Room B 346 C
Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Jennings:

Attached please find written testimony on behalf of the National Association of Social Workers, Inc. on the Elementary and Secondary Education Act (ESEA). The testimony briefly addresses portions of the act which relate to the provision of adequate services to children in schools.

If you have questions relating to the testimony or require additional information, please feel free to contact me at the above address or phone number.

Sincerely,

Alfonso J. Gonzalez

Alfonso J. Gonzales
Legislation

AG:SB:sh

The National Association of Social Workers' primary interest in the Elementary and Secondary Education Act is to improve portions of the act to provide adequate services to all children of all school districts. We have identified the following three areas within the act where such services to children may be improved.

I. Application Process for title IV-B Funds:

Since the consolidation occurred between title V-A and V-B of the National Defense Education Act with the Supplementary Services of ESEA, title III, and the final incorporation into ESEA, title IV-B, funding problems have resulted. Title IV-B includes one aggregate appropriation sum to be used for both guidance personnel and library, supplementary services. While we appreciate the problems involved in categorical aid, we also recognize the value of both services, and the problem of unrelated services competing for the same monies. We suggest that the Committee give attention to the bureaucratic structure of the consolidation and devise means to alleviate this administrative problem.

II. State Fiscal Equalization:

Many remedies have been suggested to improve or equalize school programs within the State, particularly improving the quality of urban schools where many school social workers are employed. We do not have an answer to this extremely complex issue, however, we do suggest that a solution does not lie in fiscal equalization among school districts, but rather equalization of services. If the Committee determines that a Federal subsidy be given to States, we recommend that the subsidy be a short-term annual grant to help States meet the initial costs of equalization. Federal funds should not be given to States for free distribution among school districts, but rather be attached to specific programs designed to improve specific services within the schools.

III. Recognition of School Social Workers in title IV-B, Section 134 a. 2,(c) (2) and (3).

School social work is the application of social work principles and methods to the major purpose of the school. Through the process students are assisted in preparing themselves for the world in which they live and the world they will face in the future. School social work programs include: direct service to students (counseling and support); direct service to parents, the goal of which is to assist the students; collaborative service with school personnel and/or community resources, the goal of which is to assist the student and working with the school as a system, the goal of which is to maximize the system's effectiveness in meeting the needs of the individual student.

The counseling function of school social work services addresses the social and emotional areas of student development. While emphasis may be unequally placed on the development of cognitive skills within the educative process, school social work services strive to ensure that the "whole child" is provided the opportunity to develop maximally. Indeed, productive learning will not occur unless both the affective and cognitive areas of student development are addressed appropriately.

Essentially, the school social worker in his/her counseling role enables students and their families to develop skills for coping with the social and emotional stresses which interfere with intellectual development and social adjustment. The need for such a function becomes extremely critical when the students and their families are poor or have emotional and/or physical handicaps.

For instance, because of the no-win circumstances of poverty, students from low socioeconomic backgrounds experience almost constant stress in their day-to-day existence. The school setting exacerbates the stressful existence of many of these students more than one may realize. Certain policies as well as attitudes toward the poor in the schools do not afford poor students the same chances for success, both academically and socially, as perhaps may exist for the rest of the student society.

The result of all this is that a bevy of inappropriate and unproductive coping skills are defensively developed by the students and their families to counteract the inappropriate attitudes and practices of some school environments. The process becomes a vicious cycle in which inappropriate attitudes and practices beget inappropriate reactionary behaviors beget inappropriate responses, ad infinitum.

At no time in the history of education in America has the need for social work counseling with poor school-age youngsters been more apparent than now. The Civil Rights/Student Movement of the sixties established a ray of hope for the living poor that perhaps justice and equal opportunity were indeed attainable for all segments of society. However, the ebbing of the movement in the early seventies, coupled to the dramatic changes produced by the movement, i.e. desegregation on a large scale, has managed to create a sense of frustration and anger in many of the society's poor that is to some extent more devastating than before the sixties.

One needs only to observe the alarming statistics on the numbers and frequency of student suspensions and expulsions, the decline in test scores on the various national intelligence and aptitude tests, the increase in juvenile crimes and the corresponding penetration of school-age youngsters into the juvenile justice system to realize that this segment of the student society is hurting, and that the ultimate pain will be felt by all of society if sincere, humanistic efforts are not made to ameliorate the conditions which foster these drastic reactions.

With the students from poverty backgrounds the objective of school social work counseling is to help them develop appropriate coping skills, while simultaneously serving in an advocacy role to combat repressive factors in the home, school and community.

One does not mean to suggest that the entire burden of alleviating the stresses of the poor rests solely with the schools, but by not also contibuting to the socially and academically crippling practices of the rest of society, the school can provide leadership in the solutions to student problems. The schools can exert that leadership with the expertise of the school social worker.

What makes the school social worker more adept at this counseling function than perhaps any other of the school specialists? The answer to the question should be obvious. The problems which affect the poor student are social problems first and academic second. Yet it is not a job that can be undertaken by the school social worker alone. As counselor, the school social worker is also a facilitator and therefore involves helpers for all of the problem areas that are impinging on the poverty student.

The school social worker represents a marvelous school resource for assisting the school to better serve the student from the low socioeconomic background. His/her largest contribution in this area is in the capacity of counselor. In discharging the duties of this role function, the school social worker is not only cognizant of the outside forces and their effect on the poverty student, but he/she is particularly aware of the conflicts and possible resolutions that exist internally with the students, themselves. The counseling aspect of school social work services is a valuable technique which, although not a new technique, has yet to realize its immense possibilities in assisting schools to reach and maximally educate the low socioeconomic student. Therefore schools should begin to consider school social services as an integral component of the total instructional program. Especially is the need apparent in schools in poverty areas. The institution of education cannot afford to do less.

JAMES C. CLEVELAND
2d District, New Hampshire

Committees:
PUBLIC WORKS
HOUSE ADMINISTRATION
JOINT COMMITTEE ON
CONGRESSIONAL OPERATIONS

Congreſs of the United States
House of Representatives
Washington, D.C. 20515

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Tel.: 224-4187

39 Temple Street
Nashua, New Hampshire [illegible]
Tel.: [illegible]

June 15, 1977

The Honorable Carl D. Perkins
Chairman
House Education and Labor Committee
2181 Rayburn House Office Building
Washington, D. C. 20515

Dear Mr. Chairman:

Attached is a copy of correspondence from the New Hampshire Commissioner of Education concerning the formula in Title IV, Part C of P. L. 93-380.

I would greatly appreciate your consideration of this problem and appreciate any assistance you might be able to offer.

Sincerely yours,

Jim Cleveland

JAMES C. CLEVELAND
Member of Congress

JCC:KKSP
Enclosure

ROBERT L. BRUNELLE
COMMISSIONER

NEAL D. ANDREW, JR.
DEPUTY COMMISSIONER

STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
STATE HOUSE ANNEX
CONCORD 03301

RECEIVED
JUN 7 1977
CONG. JAMES CLEVELAND
WASH. OFFICE

June 1, 1977

The Honorable James C. Cleveland
2246 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Cleveland:

As Congress considers the reauthorization of P.L. 93-380 this is an opportune time to adjust the formula problem in Title IV, Part C. A formula which has merit and can be justified has been developed and is enclosed with this letter for your information.

This is a crucial matter for New Hampshire and several other small states. An elimination of the "hold harmless" provision of this law would seriously jeopardize educational innovation in New Hampshire and the overall ability of the State Department of Education to provide needed leadership and support to public education in the state.

Thank you for your consideration.

Sincerely,

Bob Brunelle
Dr. Robert L. Brunelle
Commissioner of Education

RLB:GHL:sb

Enclosures

"LIVE FREE OR DIE"
EQUAL OPPORTUNITY EMPLOYER – EQUAL EDUCATIONAL OPPORTUNITIES

ATTACHMENT #1

RATIONALE FOR ADOPTING A DIFFERENT FORMULA FOR DISTRIBUTION OF ESEA TITLE IV-C APPROPRIATIONS

When the Congress created the consolidation now known as ESEA Title IV, Parts B and C, P.L. 93-380, the formula for distributing the appropriations to this Title inadvertently penalized the states with small populations. It was later determined that the problem was caused by the elimination of "floors" that existed in several of the categorical programs.

As a result of Oversight Hearings on P.L. 93-380 and other efforts, the Congress has, each year since 1976, appropriated the amount needed to "trigger" the consolidation and added an amount to insure that no state would receive less than it received for comparable programs in Fiscal Year 1974. The net effect of such a practice has been to increase each year the amount required to "trigger" the consolidation in Title IV, Part C. This can be illustrated as follows:

	1976 advance for 1977	1977 advance for 1978	1978 advance for 1979	
Amount needed to trigger	$172,888,000	$184,521,852	$194,000,000	
Amount for "hold harmless"	11,319,083	9,282,073	7,000,000	(est)
	$184,207,083	$193,803,925	$201,000,000	

It is unreasonable and illogical to assume that the Congress will continue to fund Part C in this fashion if it must continue to meet ever increasing "trigger" amounts. The worst possible reaction would be for Congress to eliminate the "hold harmless" and consequently, any innovation for the small states.

The authority of ESEA Title IV expires in 1978. The Council of Chief State School Officers Legislative Committee is working on language for renewal of this authority. We have reviewed the proposed changes to P.L. 93-380, Title IV, but note that there is no proposal to adjust the formula. Therefore, the State of Nevada proposes a formula which would provide each state a base amount (floor) and distribute the balance on a population basis. (See Attachment #2) To prevent a loss to any state, we have built the formula around the sum of $209,000,000. After reserving 1% for the outlying areas and giving a base of $552,571 to each state, there is a balance of $178,196,997 to be allotted on the basis of population ages 5-17. The $209,000,000 figure is more than now being granted in this program, but we think it can be achieved on the grounds that it can remain static from year to year even if the triggering language is repealed. Furthermore, it represents about a 7% increase over the FY78 allocation, which just about keeps up with the rate of inflation.

JPC/mb
5/5/77

ATTACHMENT #2

PROPOSED FORMULA - TITLE IV-C, ESEA

State	*Population 5-17	% of Total 5-17 pop.	Amount per Ratio	@Total Allocation	FY78 Allocation	Comparison to FY78
ALABAMA	880	1.72	$ 3,064,988	$ 3,617,559	$ 3,142,009	$ 475,550+
ALASKA	98	.19	338,574	891,146	840,537	50,609+
ARIZONA	544	1.06	1,888,888	2,441,459	1,929,429	512,030+
ARKANSAS	497	.97	1,728,511	2,281,082	1,829,993	451,089+
CALIFORNIA	4829	9.42	16,786,157	17,338,728	17,229,336	109,392+
COLORADO	605	1.18	2,102,725	2,655,296	2,164,812	490,484+
CONNECTICUT	730	1.42	2,530,397	3,082,968	2,607,047	475,921+
DELAWARE	141	.28	498,952	1,051,523	986,657	64,866+
FLORIDA	1763	3.44	6,129,977	6,682,548	6,234,088	448,460+
GEORGIA	1209	2.36	4,205,449	4,758,020	4,315,359	442,661+
HAWAII	207	.40	712,788	1,265,359	1,120,125	145,234+
IDAHO	205	.40	712,788	1,265,359	1,101,332	164,027+
ILLINOIS	2648	5.17	9,212,785	9,765,356	9,490,222	275,134+
INDIANA	1293	2.52	4,490,564	5,043,135	4,611,371	431,764+
IOWA	694	1.35	2,405,659	2,958,230	2,464,391	493,839+
KANSAS	515	1.01	1,799,790	2,352,361	2,006,697	345,664+
KENTUCKY	810	1.58	2,815,513	3,368,084	2,881,661	486,423+
LOUISIANA	990	1.93	3,439,202	3,991,773	3,545,014	446,759+
MAINE	257	.50	890,985	1,443,556	1,260,105	183,451+
MARYLAND	1004	1.96	3,492,661	4,045,232	3,605,643	439,589+
MASSACHUSETTS	1358	2.65	4,722,220	5,274,791	4,828,922	445,869+
MICHIGAN	2300	4.49	8,001,145	8,553,616	8,159,951	393,665+
MINNESOTA	983	1.92	3,421,382	3,973,953	3,502,217	471,736+
MISSISSIPPI	608	1.19	2,120,544	2,673,115	2,164,812	508,303+
MISSOURI	1096	2.14	3,813,416	4,365,987	3,912,354	453,633+
MONTANA	187	.36	641,509	1,194,080	1,090,050	104,030+
NEBRASKA	366	.71	1,265,199	1,817,770	1,551,741	266,029+
NEVADA	144	.28	498,952	1,051,524	947,174	104,350+
NEW HAMPSHIRE	198	.39	694,968	1,247,539	1,088,720	158,819+
NEW JERSEY	1723	3.36	5,987,419	6,539,990	6,162,760	377,230+
NEW MEXICO	307	.60	1,069,182	1,621,753	1,331,560	290,193+
NEW YORK	4117	8.03	14,309,219	14,861,790	14,640,122	221,668+
NORTH CAROLINA	1282	2.50	4,454,925	5,007,496	4,561,441	446,055+
NORTH DAKOTA	159	.31	552,411	1,104,982	1,034,899	70,083+
OHIO	2588	5.05	8,998,948	9,551,519	9,201,343	350,176+
OKLAHOMA	608	1.19	2,120,544	2,673,115	2,207,641	465,474+
OREGON	520	1.02	1,817,609	2,370,180	1,918,024	452,156+
PENNSYLVANIA	2683	5.24	9,337,523	9,890,094	9,593,648	296,446+
RHODE ISLAND	211	.41	730,608	1,283,179	1,190,463	92,716+
SOUTH CAROLINA	701	1.37	2,441,299	2,993,870	2,496,488	497,382+
SOUTH DAKOTA	168	.33	588,050	1,140,621	1,067,905	72,716+
TENNESSEE	970	1.89	3,367,923	3,920,494	3,448,720	471,774+
TEXAS	2963	5.78	10,299,786	10,852,357	10,563,713	288,644+
UTAH	315	.61	1,097,002	1,649,573	1,354,337	295,236+
VERMONT	115	.22	392,033	944,605	915,881	28,724+
VIRGINIA	1173	2.29	4,080,711	4,633,282	4,194,101	439,181+
WASHINGTON	835	1.63	2,904,611	3,457,182	2,992,220	464,962+
WEST VIRGINIA	409	.80	1,425,576	1,978,147	1,704,292	273,855+
WISCONSIN	1150	2.24	3,991,613	4,544,184	4,079,975	464,209+
WYOMING	90	.18	320,755	873,327	853,161	20,166+
D.C.	149	.29	516,771	1,069,343	1,060,411	8,932+
PUERTO RICO	857	1.67	2,975,890	3,528,461	3,072,183	456,278+
SUB-TOTAL	51252	100.00	$178,196,997	$206,930,693	$190,257,057	$16,673,636+
OUTLYING AREAS	NA	NA	NA	2,069,307	1,919,501	149,806+
TOTALS	51252	100.00	$178,196,997	$209,000,000	$192,176,558	$16,823,442+

*Expressed in thousands

@Includes $552,571 base

ALL FIGURES ROUNDED

Basis for calculations: Of the total ($209,000,000), 1% ($2,069,307) was reserved for outlying areas; approximately 13.89% of the remainder ($28,733,696) was divided equally among the states, Puerto Rico and the District of Columbia ($552,571 each); the balance ($178,196,997) was allocated per the ratio of children aged 5-17.

Statistics from 1976 Statistical Abstract, U.S. Department of Commerce, Bureau of the Census publication (most recent data available - 7/1/75, except Puerto Rico-7/1/70 being most recent).

rb
5/3/77

Association of Media Producers

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DAPHNE PHILOS
Executive Director

STATEMENT OF THE ASSOCIATION OF MEDIA PRODUCERS

ON

ESEA TITLE IV-B CONSOLIDATION REAUTHORIZATION

The Association of Media Producers is the national trade association of producers and distributors of educational audiovisual materials. We are pleased to have this opportunity to submit testimony to the House Education and Labor Committee regarding the reauthorization of the Elementary and Secondary Education Act, specifically Title IV-B of that Act -- Libraries and Learning Resources.

Instructional materials are important to both students and teachers. According to a survey of 24,000 teachers, conducted by the Educational Products Information Exchange, instructional materials structure 95% of classroom time and 90% of homework time.

Unfortunately, the current fiscal problems faced by the education community have had a serious economic impact on schools' ability to acquire necessary instructional resources. As the demand for instructional media increases, teachers and library/media specialists are faced with a cruel fact: the property tax base on which our educational system largely relies has reached a limit. Rising school operating costs, coupled with increasing local taxpayer inability to shoulder a heavier school tax burden, are stripping schools of the means of acquiring the very instructional tools they require in a balanced educational system.

1707 L Street, NW Suite 515 Washington, DC 20036 202-296-4710

It is widely known that when school budgets must be slashed, the first reductions occur in the area of "controllable" expenditures -- that is, "things." As energy costs increased and salaries escalated, budgets for instructional materials were reduced accordingly. This is amply illustrated by the results of NEA's latest teacher opinion poll, which surveyed a nationwide sample of public school teachers. When asked, "If cutbacks have been made, in what ways have they occurred?," 64% of the teachers (the largest percentage) indicated a decrease in teaching materials. Teachers said that the lack of instructional materials had an adverse effect on their work. Given the unusually harsh winter recently endured by this country, and the skyrocketing fuel costs which accompanied it, it is logical to anticipate even further reductions in instructional materials budgets as schools struggle to meet unexpected utility costs.

Because instructional materials are a basic ingredient in all education programs, continued Federal assistance for the acquisition of these materials is essential. According to a 1974 GAO examination of Federal library support programs, school library resources programs produced significant benefits including, "an increase in the quantity of materials made available to school libraries, a diversity in the types of materials purchased, an increase in the use of library materials, and the design of new curriculums and innovative instructional techniques using the library materials." GAO stated further that "education experts generally agree that using audiovisual materials in conjunction with books, usually called a multimedia approach, is superior to using books alone."

The program to which GAO referred was, of course, ESEA II. During the year the report was issued, Congress, responding reluctantly to Nixon Administration initiatives, agreed to experiment with a limited consolidation of programs. In this regard, NDEA III (instructional equipment and minor remodeling), ESEA II (library resources) and the guidance counseling and testing portion of ESEA III were consolidated under a new ESEA Title IV-B, the Library and Learning Resources program.

Although the Association of Media Producers believes that categorical aid to education is the most effective approach to providing necessary assistance to schools, we do think that the Title IV-B consolidation can work well if certain revisions are adopted. The consolidation as enacted by PL. 93-380 has somewhat retarded the impetus of the programs carried out under ESEA II and NDEA III. The following changes will, we believe, do much to restore the momentum of earlier years to the Title IV-B consolidation:

1. Amend the Title IV-B consolidation by transferring the guidance counseling and testing component to a more logical section of the law. This would result in consolidating only library resources (ESEA II) and instructional equipment and minor remodeling (NDEA III) within the IV-B consolidation -- that is, it would separate resource programs from personnel programs.

Before 1965, when ESEA II was enacted, almost 70% of the Nation's elementary schools had no library/media centers. In 1975, that figure had dropped to 20%, thus revealing that ESEA II had accomplished a great deal. Unfortunately, Title IV-B is divisive in nature; by placing instructional materials in competition with school guidance counselors for limited dollars, the Title IV-B program threatens earlier progress.

Title IV-B funds are too limited to accomodate salaries as well as to provide teachers and students with the instructional resources they need. Education is a labor-intensive field; since salaries tend to be regarded as "uncontrollable" budget items, and materials are considered "controllable" items, instructional materials are cut first when budgets must be slashed. Therefore, if schools are to continue to secure quality instructional resources, it is essential to protect the Federal funding source so that competition between people and things does not influence Federal program objectives. Otherwise, support for instructional materials will be jeopardized at both the Federal and local levels. Already, statistics on sales of both books and audiovisual materials for the past year show that there has been a marked decline in acquisition of these materials during the first year of Title IV-B, in part because of funds siphoned off for salaries.

In the education field, neither teachers nor instructional materials alone can accomplish the task of educating the Nation's young people. Quality education requires an appropriate mix of these ingredients to maximize performance by teachers and students. The former ESEA II and NDEA III were the only Federal education programs designed to acquire the things that students use. Unfortunately, the current provisions of Title IV-B encourage decreased expenditures for instructional materials and equipment. Declining local tax resources have made maintenance of effort requirements difficult to meet. (Title IV-B requires states and local districts to spend at least as much on materials, equipment and guidance combined in one year as they spent in the preceding year. Thus, maintenance of effort requirements are also consolidated -- amounts spent on any one of the three programs can decrease or increase as long as the combined total remains the same or greater.) As salaries escalate, school districts are forced to ratably reduce local expenditures for materials and equipment. Increases in guidance salaries drawn from local budgets are compensated for by decreases in the instructional materials budget without thwarting maintenance of effort requirements. The result is simply a decline in school library resources.

About thirty states either operate, or plan to operate, performance based education (PBE) which requires students to demonstrate particular skills before they can graduate from high school; PBE holds both students and teachers accountable for learning. To meet these requirements, teachers and students must have the tools necessary to do the job. As noted by the authorizing committees, "Quality in school library programs is directly related to academic achievement, to remaining in high school, and to continuing in college." Unless the Federal contribution to instructional materials and equipment programs is protected from encroachment of rising salaries, students may have difficulty demonstrating the necessary skills for graduation.

Regional accrediting associations set standards which school districts must meet if they are to be accredited. Those standards include required amounts of library materials. Sales statistics indicate that not only are schools not expanding their resources, but they are not replacing out-dated or worn-out materials. If this trend continues, school districts may not meet their accreditation standards -- a concern expressed by a growing number of local educational agencies that have absorbed reductions in instructional materials budgets.

Because of the above rationale, the Association of Media Producers believes that the Title III-A consolidation of ESEA II and NDEA III contained in the Domenici-Bellmon Bill, S. 1779, is a more reasonable approach to libraries and learning resources assistance because it separates personnel programs from resource programs.

2. Retain the consolidation funding trigger.

The Association of Media Producers strongly advocates retention of the consolidation funding trigger, which provides that if consolidation funds fall below the previous year's level, the categorical components of the consolidation will be implemented instead. There has been concern, not unfounded, that consolidation of programs (or block grants) often leads to reductions in funds. When Congress enacted the consolidation, it included the trigger mechanism as protection against diminution appropriations. We believe this protection is as necessary now as it was when the law was enacted in 1974. The trigger mechanism plays a key role in preserving the integrity of the Title IV consolidation and the philosophy behind it. It should not be eliminated.

3. Amend the consolidation to provide equal distribution of administrative set-aside funds among Parts B and C.

The 5% set-aside for State administration of Title IV has not been equitably divided between Parts B and C. There are indications that although the 5% set-aside is derived from the combined appropriation for Parts B and C, frequently the funds are used to administer only Part C. The Association of Media Producers believes that a 5% set-aside is sufficient for the administration of the consolidation, but we believe it should be equally divided between the component parts of the consolidation.

4. Clarify the Title IV-B law with respect to allowable expenditures for resources necessary for academic classroom instruction.

Currently, the law states that IV-B funds may be used for "....acquisition of instructional equipment (including laboratory and other special equipment, including audiovisual materials and equipment suitable for use in providing education in academic subjects) for use by children and teachers in elementary and secondary schools...." The regulations issued pursuant to the section quoted above define academic subjects as including, "but not limited to the arts, civics, economics, English, geography, history, the humanities, industrial arts, mathematics, modern foreign language, reading and science." We are informed that the US Office of Education permits expenditure of funds for any equipment used in an instructional setting.

With this in mind, the Association of Media Producers, through the field sales representatives of its member companies, conducted an informal survey to determine what types of expenditures were occurring with IV-B funds. We noted that preliminary information from USOE regarding IV-B expenditures for materials, equipment and guidance programs reflected approximately 10% more funds being spent for equipment. We did not, however, know what kind of equipment.

The informal survey revealed that local educational agencies (LEAs) in several states used IV-B funds to acquire office furniture and school supplies such as paper, pencils, etc. The IV-B regulations specifically exclude these items as allowable expenditures, and we believe that curtailment of these purchases is simply a matter of enforcing existing law. However, there were indications in several LEAs that IV-B funds were used to install Muzak in the guidance office, to acquire band instruments and uniforms, basketballs, stoves for the Home Economics Department and bleacher seats for the football field. It can be argued, perhaps, that physical education, food preparation, football teams, and school bands are all part of the school curriculum, and, therefore, IV-B funds could be legitimately used for the above items.

The Association of Media Producers, however, believes that the limited nature of IV-B funds necessitates some restrictions on what the funds may be used to acquire. We believe that expenditures of Title IV-B funds should be limited to acquisition of resources necessary for basic academic classroom instruction, and we urge that the Title IV-B law be clarified in this respect.

5. Amend the consolidation to tighten maintenance of effort provisions.

The Association of Media Producers urges stricter maintenance of effort requirements. Federal education dollars are, and have always been, intended to supplement state and local education initiatives, not to supplant them. In this regard, we propose the following maintenance of effort amendments:

a. Maintenance of effort for Title IV-B should be the responsibility of the LEAs, since IV-B is essentially a local district problem.

b. If maintenance of effort waivers are to be granted, the law must clearly define which circumstances would necessitate a waiver, and the circumstances should be highly unusual. Reduction of state or local funds, whether by defeat of a bond issue or by administrative fiat, should not constitute grounds for a waiver.

c. If a waiver is required, it should be effective for one year only.

d. When the waiver year has expired, the LEA should automatically be required to return the spending level of the year preceding the year of the waiver, and the waiver year should not ever be used as the base year for computing future maintenance of effort requirements.

e. When waivers are granted, they should only be granted for a certain percentage of the base year -- not for the total base year; then, Federal funds should be reduced by the same percentage as local funds were reduced.

6. Retain the Office of Libraries and Learning Resources as the administrative unit within USOE for Title IV-B.

Parts B and C of Title IV are two different programs, and they should continue to be administered by two different offices. Specifically, the Office of Libraries and Learning Resources should continue as the administrative unit for Title IV-B. In this regard, we point out that the Office of Libraries and Learning Resources has a staff size which is less than 1/3 of the staff in the Title IV-C administrative unit. We believe that the Office of Libraries and Learning Resources should be expanded.

The Association of Media Producers believes that if the recommendations outlined in this statement are adopted, Title IV-B could function more effectively and efficiently, and with greater benefit to the nation's schools.

State of
INDIANA

Department of Public Instruction
Harold H. Negley, Superintendent
Room 229, State House • Indianapolis 46204
317/633-6610

Division of Instructional Media
120 West Market Street – 10th Floor
317/633-4790

August 16, 1977

The Honorable Carl D. Perkins
Chairman
Subcommittee on Elementary, Secondary
  and Vocational Education
B-346C Rayburn House Office Building
Washington, D.C.   20515

Dear Congressman Perkins:

Thank you for asking me to share my views on ESEA, Title IV with the subcommittee. I am especially pleased to have the opportunity to speak to the Congress because I believe Title IV is a good program and should be continued without substantial changes.

The foresight of the Chief State School Officer in Indiana resulted in an organization of Title IV, parts B and C that has proved advantageous to the local education agencies as well as the administering agency. Because I administer Title IV-B, I will address only those concerns that are common to Parts B and C and, more specifically the concerns of "Libraries and Learning Resources."

I believe that the most frustrating part of the consolidation for my office was the transition year. There were few advantages in having two programs operate in the same year. Since that double paperwork year, we have been able to lighten the work on the part of the local schools.

The consolidation of materials, equipment, and guidance services has worked well for the school districts of Indiana. Many have indicated that the planning involved with utilization of IV-B funds has been a definite boost to the instructional development process within a school. It is a pleasure for me to see a program that requires cooperation of all staff because it was easy for categorical programs to become "one man" operations.

School administrators have expressed appreciation for the time that is saved in local administration, for the elimination of the matching provision and for the latitude to make good decisions about expenditures.

We at the state level have worked diligently to help make this consolidation work to the advantage of our students and teachers. In view of the fact that printing, paper, postage and salary expenses have escalated at an astounding rate, I encourage you to consider increasing the state administrative allowance to 7.5%

In my opinion you in the Congress addressed many current concerns with the ESEA IV consolidation. I hope that it is continued for the sake of our young people.

Sincerely,

Phyllis Land

Phyllis Land
Director
Division of Instructional Media

PL/u

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
OFFICE OF THE PRESIDENT OF THE UNIVERSITY
AND COMMISSIONER OF EDUCATION
ALBANY, NEW YORK 12234

August 15, 1977

The Honorable Carl D. Perkins
Chairman
Subcommittee on Elementary,
Secondary and Vocational Education
Room B-346-C, Rayburn Building
Washington, DC 20515

Dear Chairman Perkins:

Thank you for your letter of July 26, 1977, with regard to hearings being held by your Subcommittee on the consolidated programs authorized under Title IV of the Elementary and Secondary Education Act.

Enclosed for the hearing record is a statement on these programs, which we hope will assist you as you consider legislation early next year.

We appreciate the opportunity to comment on this important legislation. If we may be of any further assistance to you, please do not hesitate to call upon us.

Sincerely yours,

Gordon M. Ambach

Enclosure

Statement by

Gordon M. Ambach

President of The University of the State of New York

and Commissioner of Education

Submitted to the

Subcommittee on Elementary, Secondary and Vocational Education

U.S. House of Representatives

August 15, 1977

Washington, D.C.

Consolidation of seven categorical programs under Title IV of the Elementary and Secondary Education Act has solved a variety of problems, but has created several others deserving legislative attention in the coming year.

The New York State Education Department's staff has undertaken several policy studies of this Title to assist the diligent New York State Advisory Council in its work. These studies, accomplished while the State was responsible for operating both the previous and the new Title IV programs, together with staff input, yielded a number of recommendations which focus our concerns regarding changes in the legislation and the administration of such programs. Provisions for the New York State Advisory Council should remain in tact.

Part B

The maintenance of effort requirements for Title IV-B, enacted under the Education Amendments of 1976, need to be simplified drastically if they are not to be an undue administrative burden on State and local education agencies. The present requirement that local education agencies provide local expenditure data only for expenditures eligible under Title IV-B does not coincide with school accounting practices. It is therefore extremely difficult for local education agencies to provide the required data. Since maintenance of effort is no longer a local but rather a State responsibility, data available in the State education agency from the regular financial report, submitted by the local agency, should be the basis for the determination of maintenance of effort.

Secondly, the present legislation does not allow nonpublic schools to participate in the Part B program if the public school district in which they are located does not "maintain effort." Children in 82 nonpublic schools in New York State were denied Part B benefits in Fiscal Year 1976 because of this gap in the statute. Since the Congress clearly intended that private school pupils share equitably in the benefits of the Part B program, we recommend that the legislation be amended to permit the state agency to designate a public agency to serve children enrolled in private schools in public school districts not participating in the Title IV-B program.

Third, present U.S. Office of Education Regulations require that funds earned by a local education agency because of the presence of children whose education imposes a higher than average cost, be spent on those children. This regulation is contrary to the intent of Congress to reserve to the local education agencies discretion as to how allocated funds would be expended. To assure this discretion, an amendment to the legislation is needed which will specifically state that the local education agency has the discretion in identifying pupils who will benefit from the allocation under ESEA IV-B.

Moreover, New York State believes that the flexibility given to local education agencies under the current statute is desirable, but that the administrative burden of providing detailed program plans to secure local allocations is excessive in relation to the funding. While these Federal funds are important to the districts, impact is limited at present to appropriation levels. A financial impact study of Part B in New York State has shown that only 15 percent of the sampled districts experienced an increase of 2 percent or greater in expenditures for 1975-76 related to Part B activities. Most districts will receive less than 4 percent through Part B of their total funding for Part B purposes in Fiscal Year 1977. Because the funding level of Part B does not have a large impact, we recommend substantially increased appropriations.

Part C

Three hundred forty-five IV-C projects are currently operating in New York State. Of these, 180 are developer grants, 37 validation grants, 48 demonstration grants, and 80 replication grants. Five hundred seventy-two mini IV-C projects (under $3,000 each) are also operating. We expect 295 more districts to be replicating Title IV-C programs by June 1978.

We refer to our program and the four grant types as "Transferring Success." This is a strategy whereby Title IV-C funds are used in a number of competitive ways.

Of most importance, funds are provided to validate exemplary programs already in operation, for demonstrators who have passed the rigorous test of validation and are now ready to show others how they might successfully adopt the program, and for districts that seek to replicate the program being demonstrated. Our intent is to increase the number of adoptions of these high quality low-cost programs.

To summarize our accomplishments, we are attempting to use our IV-C funds in such a way that school districts will replace costly and ineffective programs with those IV-C programs which have been verified as effective, of high quality, and cost controlled.

The problems that we have with some of these programs as they are now structured usually can be traced to the restrictions imposed by current Title IV-C legislation and regulations. For example, we have problems in timing and in scheduling districts that are ready to replicate but must wait up to a year to file under the single application because an annual filing date is required by law. It is understandable that when IV-C and IV-B were established through the consolidation of a number of other programs, that application forms under those programs were also to be consolidated. But the consolidation of the applications should have stopped at B and C rather than to have combined the two parts. Since B is a formula program and C a competitive one, it is virtually impossible for us to administer each program under this restriction. The experience of the past two years has shown that the single application requirement has not reduced paperwork.

The single filing date poses problems in other ways. There are occasions when we need to have competition for IV-C funds several times a year. For example, our Board of Regents most recently launched a "Competency-Based Education" program which generated a considerable amount of interest from the field. We would like to have offered planning grants to districts which were anxious last June to begin planning and operating this past summer. Under the single filing and annual application legislation, we were unable to meet this need.

A further problem has to do with those districts which are ready to adopt a demonstrator's program. For example, a district interested in adopting a program this past June must wait until March 31, 1978 to file an application, and then start six months after that if IV-C funds are desired. Obviously, enthusiasm and motivation wanes over this period of time. Given these few examples, we ask that a single application be expected only of Title IV Part C, and that Part B be allowed to have its own. Restrictions on the number of the choice of dates to file should be eliminated for both Parts B and C.

From time to time, project budgets need to be amended, and in some cases supplemented, to accommodate unexpected changes that occur as a result of program implementation. Therefore, we ask that legislation be considered which allows Part C projects to be amended or supplemented as deemed necessary at the administrative office of Title IV Part C at the

State level.

We are also having difficulty with the directive from the U. S. Office of Education calling for annual competition among all districts whether they are applying for a new grant or a continuation grant. It is our feeling that those who already have a developer grant should not have to compete against all others each year of the three-year developer grant period. The current situation places considerable stress upon those districts operating developer grants who must face this insecurity for a number of months each spring while waiting to learn whether or not they may continue another year. This causes personal hardship to staff in the local Title IV-C program. The high turnover among staff members who do not wish to be in such insecure positions has created problems with program continuity. Further, most districts need to have at least three years of funding if the program to be developed is to show any benefit to the target population. Therefore, the State ought to have the right to assure the continuation of these grants barring deficiencies detrimental to continued successful operation. The multi-year grant arrangement as allowed does not alleviate this need since districts have extreme difficulty in drawing up specific objectives and activities for a three-year period.

As a result of the many grant types that we have in operation at this time, one can see the need for providing State leadership to the demonstration sites and, in particular, to the replication sites. We believe that the effectiveness and efficiency of Title IV programs would be enhanced greatly if the Education Department staff could increase monitoring and audits of projects and provide technical assistance to LEAs in need of such programs, but lacking the capacity to develop and to implement them. We are faced with administrative problems created by inflation and rising salary schedules to meet the cost of living so that we no longer have sufficient administrative funds to meet the growing need for additional staff. To make matters worse, funds available to States for administration were slashed in Title IV consolidation efforts of 1974. Under the old categorical provisions, NDEA Title III (now incorporated in ESEA, Title IV-B) provided an effective rate of approximately $7\frac{1}{2}$ percent of local assistance money, while ESEA Title III (now incorporated in Title IV-C) provided a statutory rate of $7\frac{1}{2}$ percent. Only the statutory rate of ESEA Title II (now subserved by Title IV-B) was 5 percent, yet all Title IV State administrative funding was reduced to a 5 percent level in the new legislation. This ceiling for administration of Title IV damages effective administration of these programs. States must provide for an advisory council with broader responsibilities than the former Title III advisory council. Under Title IV, Part C, with regard to programs for innovation, States are required now to provide technical assistance to those local agencies needing help in application. Now that a reconsideration of the legislation is being undertaken, it is imperative for sound program administration that the law be amended to provide the former $7\frac{1}{2}$ percent levels for administration, rather than an unrealistic 5 percent.

Overall, New York State finds the ESEA Title IV consolidation useful. However, the suggestions in the preceding paragraphs will help to make it a more effective instrument in the local, State, and Federal relationship in education.

STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION
CYRIL B. BUSBEE
STATE SUPERINTENDENT OF EDUCATION
COLUMBIA

August 16, 1977

Honorable Carl D. Perkins, Chairman
Committee on Education and Labor
U. S. House of Representatives
B346-C Rayburn House Office Building
Washington, D. C. 20515

Dear Mr. Chairman:

I appreciate the opportunity extended to me to make written comments and recommendations relative to the re-authorizing legislation for those programs consolidated as Title IV of the Elementary and Secondary Education Act. I am well aware of the complexities facing you and the subcommittee during the months ahead and can only express the admiration which I have had and continue to have for your leadership.

My position relative to the re-authorization of programs consolidated under Title IV is straight forward and simple: re-authorize the Title without any basic programmatic changes. Provide financing at the present level with the exception of those sparsely populated states which have received very little funding.

In the event we can secure what amounts to a "straight-line" re-authorization with essentially the same level of funding, we might well be able to direct our efforts toward the examination of the present and of the projected future needs of the nation's schools as related to program goals some of which were established as long as two decades ago and may well have decreasing applicability. I believe that educators are not prepared at this time for other than "cosmetic" changes, or perhaps I should say "bandaid" applications.

Sincerely,

Donald Pearce

Donald C. Pearce
Coordinator of Federal Funding

DCP:fwh

Kansas State Department of Education
Kansas State Education Building
120 East 10th Street Topeka, Kansas 66612

August 12, 1977

Representative Carl D. Perkins
House of Representatives
B-346C Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Perkins:

Thank you for the opportunity to provide our views in relation to Title IV of the Elementary and Secondary Education Act. In general, the various categorical programs that go to make up the consolidated Title IV have been of significant benefit to the schools in the State of Kansas and the State Department of Education. As a member of the department for some eighteen years, I have worked directly with Title III, NDEA, Title II, ESEA, and now Title IV, ESEA. These programs have, in many instances, furnished the incentive for improvements that otherwise might not have been made, or at best, have been delayed for a period of time. These improvements range from the equipping of laboratories to the development of school library-media centers. Title III, ESEA has provided the risk money for the schools to experiment with new concepts of instruction, much of which has been carried on in Kansas with local monies, after the project funding was over. The major impact on the department has been through Title V, ESEA, now the strengthening leadership resources of state educational agencies portion of Part C. This has provided a wide variety of additional services to the local schools through increased staffing at the state level.

These benefits continue under the consolidated Title IV program. The major problem that I see with the consolidation is that a high degree of separateness is being maintained. Parts B and C administrative funds must be accounted for separately. We apparently must be careful to keep staff responsibilities separated, so that, for example, a person employed under strengthening leadership resources of Part C would not end up also having some responsibility for reviewing Part B projects. Our agency is organized on the basis of common functions, rather than common program responsibility, so that it becomes almost impossible to keep a given staff position pure in the sense of program responsibility even though the source of revenue may be from a single program area for the sake of simplicity in budgeting and accounting. If the intent was truly to consolidate and simplify, that has not been accomplished to any great degree.

The single application form for local applications to the state has also created some problems. Part B and Part C are sufficiently different, with the former being a formula grant program and the latter a competitive project process with less than 10% of the districts applying. To force these two programs into a single application format has produced a somewhat artificial situation at best. The parts also continue to be administered separately at the federal level across two separate bureaus of OE.

It would be my recommendation that the subcommittee look at the possibility of further consolidation and simplification. This would include a reduction in the regulations imposed on the States. We have spent the last month drawing together information to support our formula for distribution of Part B monies to local schools. We had written into our state plan the statement that since our state equalization formula is designed to equalize local tax efforts, the regulation 134.14(a)(1)(i) stating that "substantial funds will be provided to: (i) local educational agencies whose tax effort for education is substantially greater than the State average tax effort for education, but whose per pupil expenditure is no greater than the average per pupil expenditure in the State" would not be a factor in the distribution formula. The Office of Education is asking for evidence that this regulation not apply to the formula and at the same time the State of Kansas has received two federal grants based on Sec. 842, Education Amendments of 1974, P. L. 93-380, Assistance for State Equalization Plans, totalling some $180,000, which were made available because the State had already developed a state equalization plan several years before. The point is, most efforts including general state aid, special education aid, vocational education aid, compensatory education aid, transportation aid, etc., are aimed at providing for the high cost student and low tax ability district. To make the Title IV-B formula, which averages approximately $3.00 per student, so complex as to take into account these various factors and then, in addition to that, expect the school district to spend the allocation in relation to the needs of these various high cost students is unrealistic. This means that in a typical project in Kansas, we would show a district receiving a grant of $2,000, out of which they could spend $1,400 for the six categories of IV-B based on the needs of the general enrollment in both the public and private schools, $200 to be spent on the needs of the low income students, $200 to be used for the needs of the handicapped students, and $200 to be used on the needs of the students living in sparsely populated areas. If we add to this the adjustment mentioned in 134.14(a)(1)(i), it seems to me we have created far greater complexity than will realistically be concerned with improvement of instruction for the students in our schools.

The change in the maintenance of effort requirements under the amendments in P. L. 94-482 has also created an additional complexity by adding private school expenditures into the requirements. The private schools are not receiving direct grants or benefits. These benefits are technically available to the students in the private schools and not the schools, therefore it seems unreasonable to add this requirement. In fact, it would seem logical under a true consolidation, with a single application form, that we might ask the public schools for a single maintenance of effort indicator for the total non-federal budget or expenditures. Are we really so concerned that each separate program area such as testing have its financial effort be maintained? And none of these six categories under Part B, coincide with approved line item budgeting and accounting. So we are forcing the districts to either guess at the figures or spend more time calculating this factor than it is really worth to us at the State level or, I suspect, to anybody at the federal level.

These are just a few examples of areas in which I feel modification could be made to some advantage. Especially when we take into account the review of excess paperwork in relation to federal programs which your subcommittee has also been reviewing. Responses from our districts show that they spend the equivalent of 11% of a Title IV grant just in the process of paperwork requirements. In view of these factors, it is no wonder that we have more than 10% of our districts who do not apply for Title IV-B grants, particularly when the grant is less than $1,000.

Thank you again for the opportunity to point out some of the problems encountered in the administration of Title IV, ESEA. We will be following the progress of your subcommittee with great interest as it considers this important program.

Sincerely,

Warren J. Bell, Director
State and Federal Programs
Administration

WJB:cw

STATE OF OHIO
DEPARTMENT OF EDUCATION
COLUMBUS
43215

FRANKLIN B. WALTER
SUPERINTENDENT OF
PUBLIC INSTRUCTION

August 9, 1977

The Honorable Carl D. Perkins
U.S. House of Representatives
2365 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Perkins:

Thank you for the opportunity to submit our views on the consolidated programs authorized under Title IV of the Elementary and Secondary Education Act.

Title IV-B has provided greatly needed resources to school libraries and Media Centers in the form of library books and instructional equipment. These funds have had a great impact on the improvement of school library services.

Title IV-C has provided funds for teacher grants to 576 teachers for the purpose of advancing teacher ideas for the improvement of education. More than 500 adaptation grants in IV-C have been used to disseminate effective practices developed by other schools. This sharing of successful practices has led to a number of significant improvements in local school districts. Perhaps the most positive indication of how school officials feel about the adaptation grants is the fact that evaluation data shows that 90% of the projects have been continued out of local funds.

There are a number of recommendations that we would like to submit for your consideration in the reauthorization of this important legislation. They are summarized as follows:

1. The current single application requirement on LEAs imposes problems in effectively administering the programs. The purpose and procedures in Parts B and C vary greatly and in order to reduce paperwork and to enable schools to more effectively utilize the funds to meet local needs it is recommended that separate applications be submitted for Part B and C.

2. State Education agencies should be authorized to spend 7½ percent of these allocations for the administration of the state plan. A separate authorization and appropriation for Parts B and C should be continued.

3. Federal programs make different provisions for maintenance of effort. This causes considerable confusion and countless hours of unnecessary paperwork.

   A single maintenance of effort clause should be enacted in the General Educational Provisions Act which is applicable to federal programs generally and which provide the states with flexible options in regard to State, district and program determinations.

4. Tite IV state advisory councils perform important duties as advisors. However, current legislation gives the advisory body program administrative responsibilities which create serious operational problems.

   It is recommended that the authority to employ persons and to contract for services, and the authority for carrying out evaluations be repealed. The proper role should be advisory only.

5. Every effort should be made to reduce paperwork including decreasing the information required in the state plan. A statement of assurances as currently required in Title I should be sufficient for Title IV.

6. Recent legislation has provided greatly increased funds for services for handicapped children. Because of the increased fudning for the handicapped and the limited funds appropriated for Title IV activities, it is our recommendation that the current set-aside in Title IV for handicapped be eliminated. This change would preserve the integrity of Title IV and reduce the fragmented effect that is created through the use of the set-aside. It is our general feeling that all set-asides for handicapped students be included in programs authorized specifically for the handicapped.

We appreciate your interest and concern in this matter and if the Ohio Department of Education can provide further information, please advise.

Sincerely,

Franklin B. Walter

Franklin B. Walter
Superintendent of Public Instruction

FBW:JWM:sly

TENNESSEE
DEPARTMENT OF EDUCATION
Division of Instructional Services
Nashville 37219

August 15, 1977

The Honorable Carl D. Perkins
House of Representatives
Committee on Education and Labor
Subcommittee on Elementary, Secondary
  and Vocational Education
B-346C Rayburn House Office Building
Washington, D. C. 20515

Dear Congressman Perkins:

Reference is made to your letter of July 26, 1977 concerning comments on the consolidated programs under ESEA Title IV. Program consolidation such as that found in ESEA Title IV is an improvement over the catagorical program approach and should be continued.

Some of the benefits of program consolidation under ESEA Title IV include:

1. Elimination of much duplication in trying to meet needs of students. The purpose of ESEA Title II and NDEA Title III were compatable as catagorical programs. Since this compatability has been carried over into IVB, one needs assessment gives a more comprehensive look at student needs.

2. A substantial decease in paper flow from the local to the state agency for IVB activities. One application can now accomplish what many applications accomplished under the catagorical programs.

3. The results or accomplishments of Part B are easier to evaluate. Local school systems are required to include objectives written in measurable terms which does two things. Local educators must do a better job of planning program activites and they must give though to conducting periodic evaluations to determine how well objectives are being met. This is a real plus for students.

4. Consolidation has brought about an expansion of activites under IVC which includes program adaptions and adoptions as well as development of innovative practices to affect change. This expansion has encouraged more local education agencies to apply for program grants.

Page - 2
Congressman Perkins
August 15, 1977

I feel certain that other benefits will become more obvious as the program continues.

As expected, there are some minor problems which can be resolved without change in program intent. The following are problem areas to those of us who work with the program in Tennessee:

1. The single application - Since the purposes of IVB and IVC are different, the single application requirement does not strengthen the Title IV program in any way. It does, however, create some minor problems in program administration.
2. The maintenance of effort requirement for private schools creates serious problems. Many school systems are experiencing unnecesary delays in submitting project applications because of delays in securing data from private schools. In addition, there is no way to verify accuracy of the data when it is made available.
3. The recent decision of the Supreme Court concerning private school participation in Title IV calls for immediate development of federal guidelines for IVB similar to those developed for ESEA Title II and NDEA Title III, and perhaps some clearification in the legislation itself.

The strengths of the Title IV program are the requirements for needs assessments, maintaining state and local effort, formulating measurable objectives for IVB and the expansion to include adaption and adoption as a part of IVC.

You and your subcommittee are to be commended for giving state personnel an opportunity to make comments relative to the Title IV program.

Sincerely,

Chester Hill
Chester Hill, Director
ESEA Title IV

CH/ih

State of Minnesota

Department of Education
Capitol Square, 550 Cedar Street
St. Paul, Minnesota 55101

August 12, 1977

The Honorable Carl D. Perkins, Chairman
House of Representatives
Committee on Education and Labor
Room B346C
Rayburn House Office Building
Washington, DC 20515

Dear Representative Perkins:

Your letter of July 26, 1977 requests comments by state coordinators concerning program consolidation as provided by Title IV of the Elementary and Secondary Education Act (P.L. 93-380). I am most pleased to be given this opportunity and hope that the following will prove useful to your deliberation.

In general, the Minnesota program consolidation effort under the law has been quite successful. Because of our internal organizational structure, state administration of the consolidated program was accomplished without any significant difficulty. Staffing was readily established separately for Parts B and C with coordination being accomplished through my office and through the single advisory council. After some initial difficulties caused by procedural changes, local school districts have accommodated to the consolidation.

The consolidation has not, however, been free of unique problems and difficulties. The following will comment on some special considerations:

1. By formula the allowance for costs associated with administration of the programs is limited to five percent of the grant funds. This sum must cover advisory council expenses as well as evaluation, dissemination, administration, project monitoring, and technical assistance. As costs continue to rise along with program expectations, this funding limitation causes a severe burden. I strongly recommend that the allowance for administration be increased to the seven and one-half percent level previously accorded to the old Title III, ESEA.

2. Some considerable difficulties have been experienced by local school districts in meeting the single application requirement. Because Part C applications must be reviewed in a time consuming, competitive process, a lengthy lead time is required (Minnesota receives applications on January 31). This lead time is not necessary for Part B and actually causes school districts some difficulty in proposal submission -

AN EQUAL OPPORTUNITY EMPLOYER

especially in smaller districts in which the same person is responsible for all parts of the application. I would recommend that consideration be given to the possibility of separate submission dates for Parts B and C.

3. Separate programs consolidated into Part B are compatible and lend themselves to a consolidated application. In the case of Part C, however, little congreunce would appear to exist between innovative-exemplary projects in school districts and strengthening activities within the state education agency. Further, only in isolated instances does congruence exist between Part B and C projects in school districts. This failure causes the separate parts to be reviewed separately and funded separately. While a "single application" is filed by the school district, the application is most often two very descrete parts which are separated upon receipt in this agency and subjected to a differing review process. I would recommend that programs proposed in any future consolidations be reviewed to determine type of funding and local compatibility.

The function and operation of Title IV has been studied with some intensity in Minnesota. In general, the program is proving to be quite successful. An intensive study of Part C -- inclusive of the predecessor Title III program -- is currently underway. We anticipate a major report to be published in January which will trace the history of funded projects and will determine levels of success, failure, and impact. I would be most happy to forward a copy of that report upon its completion.

During the spring of 1977, a Title IV-B Evaluation Survey was sent to all 439 school districts. The respondees totalled 375. Results were generally favorable in response to the procedures established for processing Title IV-B applications; however, districts complained that there was too much time between the application date (January 31) and the funding date (about September 1).

Districts were requested to indicate those resources and services available under ESEA IV-B which would not be available otherwise. Responses are reported below.

Title IV-B has made it possible for us to begin equipping our library as a media center. We have used funds for carrels equipped with wiring for audio-visual machines, aquariums, filmstrips-tape players, tape recorders, head sets and filmstrips and tapes. If we had only district funds available for this, we would not be able to supply these materials for our students.....

Most of our money was spent for filmstrips for the current fiscal year. In the elementary, math filmstrips were purchased to augment the math program. These filmstrips have helped the slow learner as well as the average to above average student.

We have initiated a program of career education and occupations at the senior high level using microfiche. This was in response to questionnaires returned by graduating classes expressing a need for these services. The equipment and materials are available for classroom use and also for individual use in the Media Center.

We purchased a dry mount press with Title IV funds. This is something we would not have been able to purchase without the funds. We are now using it to laminate games, etc. for individual work and to preserve materials used in displays for enrichment of learning. Reading labs, as well as games, books, A-V materials and others purchased, are now being used for supplemental needs in classroom and small groups.

We will now be able to provide students with a wider scope of non-print instructional materials. F.Y. 1977 funds have permitted us to "catch up" with requests for films which generally stay in our "consideration" file for years before local funds permit their acquisition.

Our media centers were able to add depth to their current print collection due to the F.Y. 1977 funds. This was especially beneficial in the curriculum areas of human relations, futuristics and art history.

Title IV-B has been helpful in underwriting supportive media costs for recently adopted curriculum programs whether these programs are initiated locally or are the result of mandated legislation (i.e. non-racist, non-sexist, affirmative action statutes).

Additional filmstrips, tapes and books in each elementary media center to greatly assist both individual instruction and classroom instruction. Added greatly to collection.

Additional A-V materials and books targeted into specific subject areas in each secondary school have assisted teachers in strengtheing instruction.

Films added to district collections have provided new materials of excellent quality for classroom instruction.

Additional environmental filmstrips, tapes, and book material have helped supplement a new group of environmental curriculum units.

We can now provide more current career and educational information for students in print form than we could previously.

We can now provide instant interaction via accessible computer terminal in each senior high school counseling center, with new state and national occupational, education, financial aid, and other guidance information, including a quest program to help students find occupational areas of interest and appropriateness for them. This was not available at all previously.

We can now provide all interested students with appropriate career interest inventories, whereas previously we could not provide the variety nor allow all students who wished to be able to take these inventories because the budget did not allow for it as test costs rose.

One of our top priorities has been to build basic media collections in the building media centers. Even though we maintain our local effort, we need supplementary funds. As new concepts are expanded, such as the metric system, Title IV helps us purchase additional materials.

Title IV-B was used to provide increased materials and equipment for students and teachers. Specifically the funds were used to:

Develop learning stations in elementary and secondary media centers and classrooms.

Acquire learning materials in formats previously unavailable in the schools, i.e. microfiche.

Make materials available in specialized curricular areas, i.e. career education, women's studies, metric system, human relations, and supplementary language enrichment materials.

In some instances, Title IV-B funds were used as an incentive for the transition from library program to media program.

Part B funds have stimulated our curriculum people to look ahead and plan for continuous updating. Media has become a more integral part of the curriculum as a result of the new forms which require better planning.

The biggest service able to be given through the additional funds is to provide more individualized instruction and to put cassette recorders, junction boxes, and headsets in individual classrooms for reference work and individual and small group study and work groups.

Districts were also asked to indicate the impact on the program if Title IV-B funds were no longer available. Their responses are indicated below.

We would not have the opportunity to purchase the newer items on the market. We would have to get along with tried and proven practices and techniques. At least half of the 16 mm projectors in the district have been purchased with federal funds. I can remember the same was true when overhead models were purchased by using federal funds. These projectors were first purchased for Math-Science under NDEA III but they were beneficial in showing the value of these items and gradually other departments asked for them.

The public schools would have to look at their budget to see where they might cut dollars to make these materials and equipment available. It would mean that some equipment just would not be purchased.

The guidance and counseling department would be unable to provide parents, teachers and students with information regarding the students' academic progress and/or unable to provide teachers and administrators with feedback regarding the state of the curriculum.

In all the media centers, the basic and supplementary materials ordered would probably not be ordered with the funds from the yearly school budget; therefore, we wouldn't have the variety that enhances any academic subject that we can have with Title IV-B funds. There would be very little A-V software purchased, particularly any microfilm material. Expensive references and technical books could not be ordered.

Due to limited funds available, Part B gives us an opportunity to acquire materials which we could not have if Part B would be eliminated. We have also been able to update material which allows students to have first hand information in many areas, such as guidance and counseling and our career education program.

The degree of acquisition of audio-visual and library materials would be impaired... but not destroyed. A similar situation would prevail with reference to in-service, and other programs, developed in support of the student counseling staff.

Our book and materials collections would become less well-rounded and new curricular offerings, or even new units of study, may not receive the resources they need. Also (maybe), our book and materials budget are easily attacked in times of financial crises. If we didn't have to maintain them to keep our eligibility in the Title IV-B program, they might become more of a target for cuts.

Responses from the districts to a question regarding the impact of "targeted" funds are listed below.

The audio-visual materials probably mean more to disadvantaged children than to those more advantaged. More appealing looking print items probably encourage them to try harder to read than if our collection lacked new and colorful materials.

An example might be in the case of teaching the metric system where new and colorful materials can make the system easier to understand. Or in studying the State of Minnesota or other countries, pictures will help more the student who has little opportunity to travel.

The fact that the library or media center does have interesting materials does encourage the disadvantaged to know there is a place where they can get help.

Title IV-B funds have been used to provide high interest materials for students who need additional help and incentive in increasing skills. In addition, non-print items have been purchased to allow students to learn by different methods and speeds.

Presentations concerning occupation choices are also used by high school SLBP courses. Without this funding the media center could not possibly provide the above materials and services. I certainly hope that they continue.

This school district is located in one of the poorest relative to per capita income. The career education equipment and materials will be of assistance for years, hopefully to enable these children to make more realistic and beneficial career plans.

In our school those students profit by the extra materials purchased for helping them in reading. A set of puppets with books and cassettes is an example of a popular addition made for them this year.

CONCLUSIONS

Perhaps the most general conclusion that can be drawn from the survey is that the Title IV-B process seems to be functioning quite well and that the perceived impact upon local districts is substantial. Based upon the results of the survey, the following specific points seem justified:

1) The perceptions of local district personnel of major aspects of the Title IV, Part B process were generally highly favorable.

2) Analyses by size of district indicate that regional meetings do not serve the needs of small districts as well as medium and large districts although mean responses appeared to be in a satisfactory range for all groups.

3) Large districts generally have a special problem with the single application requirement although the mean responses for all groups, again, appear satisfactory.

4) Local district information regarding Part B is generally perceived as satisfactory with no differences among district size classifications.

5) There is some general concern with the January 31 application date in that lowest overall mean responses for all district sizes tended to fall in this category. However, since the range of these means was from 2.85 (for small communities), the overall data do not tend to support any major requirement for change at this time.

6) Title IV-B funds appear to have considerable impact upon a wide variety of curriculum areas - Most notably in the areas of basic skills.

7) Another category of curriculum need clearly impacted upon was the category of new and developing curricular areas such as metric units in math and career education.

8) The application planning processes used by IV-B were mentioned by several schools as helpful means of securing broad school involvement and participation.

9) Districts generally felt that funds provided a mechanism to more quickly realize district priorities and to more readily update established curriculum areas and library resources.

10) Although there is some general indication that targeted funds are being used to provide special services for specified populations, the present survey form did not lend itself well to a clear determination of impact in this area.

11) A majority of the districts felt that termination of Title IV-B funds would seriously affect their curriculum. These funds represent a perceived means of updating resources, and encouraging district support of new and emerging curricular areas.

Excerpted from A SURVEY OF LOCAL DISTRICT PERCEPTIONS REGARDING THE IMPLEMENTATION AND IMPACT OF TITLE IV, PART B WITHIN MINNESOTA, McMillan, William B., Ph. D., Evaluation Section, Division of Planning and Development, Minnesota State Department of Education, July 1977.

I realize, Representative Perkins, that this correspondence has grown to rather extraordinary length, but I hope it communicates some of our appreciation as well as concerns regarding Title IV, Parts B and C. Thank you for soliciting our input.

Sincerely yours,

Dr. Gregory J. Waddick, Assistant Commissioner
Division of Planning and Development

GJW:bw

STATE OF HAWAII
DEPARTMENT OF EDUCATION
HAWAII STATE ADVISORY COUNCIL FOR TITLE IV, ESEA
1750 WIST PLACE
HONOLULU, HAWAII 96822

August 10, 1977

Honorable Carl D. Perkins, Chairman
Subcommittee on Elementary, Secondary and Vocational Education
B-346C Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Perkins:

Your July 26, 1977 letter has just been received and which requests statements or comments on the ESEA Title IV programs.

The attachments sent to Dr. Thomas Burns, Associate Commissioner for State and Local Educational Programs, U.S.O.E., clearly state the Hawaii State Advisory Council's position on the Strengthening State Agency and Innovative Projects under Part C of the Title. The availability of ESEA funds has given innovative programs to Hawaii's schools, particularly in the area of Language Arts/English programs (see attached).

With regard to recommended changes in the legislation, the Hawaii SAC strongly recommends that the provision in Part 134a, Libraries and Learning Resources, Sec 134a.2(2) be placed with Part C programs. For Hawaii, this would provide for more complete and therefore more effective services to the students. This would eliminate the fractionizing of the already small amounts of school level funds now allowed for both resources and personnel services.

The Hawaii SAC also strongly supports the continuation of the evaluation responsibility of the State Advisory Councils. Since the Council is responsible for recommending to the State Education Agency those proposals which meet the criteria for funding, it would be essential that the same Council be permitted the task of evaluating those projects that have been funded. This would guarantee continuity and the achievement of objectives as specified by the projects, thus meeting the goals of the legislation.

Thank you for extending us the opportunity to provide our views on the current legislation and for the possible extension of the law.

Sincerely yours,

Mrs. Lillian A. Lum, Chairperson
Hawaii State Advisory Council

LAL:mr
Enclosures

cc: Mr. Charles G. Clark
Superintendent
Hawaii State Department of Education

STATE OF FLORIDA
DEPARTMENT OF EDUCATION
TALLAHASSEE 32304

RALPH D. TURLINGTON
COMMISSIONER

August 9, 1977

The Honorable Carl D. Perkins
Congress of The United States
House of Representatives
Committee on Education and Labor
Subcommittee on Elementary, Secondary
and Vocational Education
B-346C Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Perkins:

I am deeply appreciative of the opportunity to express my views in regard to legislative changes needed in Title IV of the Elementary and Secondary Education Act. It is especially gratifying to know that you are not only willing to listen to prepared testimony but are also actively soliciting additional input relative to the legislation.

At the time of the enactment of the Elementary and Secondary Education Act in 1965, I was a member of the Florida Department of Education with responsibility for the State school library media program. After the enactment of ESEA, I had the additional responsibility for administering ESEA, Title II. Later the administration of NDEA III and ESEA IV-B were added to the functions of the School Library Media Section.

To my knowledge, the combined effect of ESEA II, NDEA III, and ESEA IV-B has been the most important force in the development of carefully selected library resource collections in Florida schools during the past fifteen years. The availability of resources in schools where they were organized in a central location with a library media specialist to direct the media program provided impetus for teachers to begin individualized instruction, to provide opportunities for students to research several sources and subsequently draw conclusions. Independent projects, peer tutoring, small group work, individual contracts and programmed instruction, all could be utilized because of the availability of resources to support curricular areas. Because of these programs, students and teachers of Florida have been the beneficiaries of a more nearly adequate educational program. A continuation of ESEA IV-B is essential.

Because of the consolidation of the school library resources, instructional materials, and guidance, testing and counseling components under Title IV-B, Mr. Donald Darling, Administrator, Pupil Personnel Services, and I have worked cooperatively to effect an efficient administration of Title IV-B. To this end, we have addressed certain aspects of Title IV which, in our opinion, would provide a more effective program if the changes proposed in the enclosed document were made.

Thank you again for providing us the opportunity to share our views with you.

Sincerely,

Eloise T. Groover

Eloise T. Groover
Administrator, School Library
Media Services

ETG/jw

Enclosures

Proposed Changes in ESEA IV Legislation suggested by:

Donald E. Darling, Administrator
Pupil Personnel Services

and

Eloise T. Groover, Administrator
School Library Media Services

Florida Department of Education

In response to a request by Congressman Carl D. Perkins

1. Problem: Inequity of eligible program purposes under ESEA IV-B

The combination of materials, equipment, and personnel in the same program has created an unfortunate competition between two high education priorities - programs for guidance, testing, and counseling and programs for school library media services. Both creative guidance programs and school library media programs, including personnel for each, are essential to an effective educational program and should be supported financially. However, the eligibility of local personnel for only one of the program purposes constitutes an incongruous element in ESEA IV-B and should be removed. Authorized activities under ESEA IV-B include "short term sessions for persons engaged in guidance and counseling in elementary and secondary schools and programs, projects, and leadership activities designed to expand and strengthen counseling and guidance services in elementary and secondary schools." On the other side of the coin, these activities are not authorized in the area of school library media services. Thus, two high-priority education programs are placed in competition for federal dollars at the local level. Such inequitity should not exist. Certainly not within the same Act.

Recommendation: Remove the inequities in eligible program purposes authorized under ESEA IV-B.

2. Problem: Distribution of funds to local educational agencies (134.14)

Section 403(a)(4) of P. L. 93-380 requires state agencies to provide assurances that Part B funds received by the state, "will be distributed among local education agencies according to the enrollments in public and non-public schools within the school districts...except that substantial funds will be provided to local education agencies whose tax effort for education, but whose per pupil expenditure... is no greater than the average per pupil expenditure in the state, and local education agencies which have the greatest members or percentages of children whose education imposes a higher than average cost per child, such as children from low income families, children living in sparsely populated areas, and children from families in which English is not the dominant language."

The distribution according to enrollment presents no problem; however, the requirement that districts with high tax efforts and "high cost" programs be provided with "substantial" Part B funds creates problems. While legislative intent, apparently, is to provide additional funds for students with greater needs (and we applaud this effort), enforcement of this requirement by the Office of Education actually tends to overfund certain districts while underfunding others.

The Florida Education Finance Program (FEEP) is rather unique among the states due to the high degree of equalization that it provides. This is the express intent of the State Legislature.

Section 236.12. - The intent of the Legislature is:

(1) To guarantee to each student in the Florida public school system the availability of programs and services appropriate to his educational needs which are substantially equal to those available to any similar student notwithstanding geographic differences and varying local economic factors.

The detailed provisions incorporated into the FEEP are designed to carry out the above intent insofar as possible.

Allocations under the FEEP are based on a system of weighted full-time equivalent membership. The base student allocation (1.00) is determined annually by the Legislature and specified in the General Appropriation Act for each year.

Cost factors for special (high cost) programs are used to fund programs approved by regulations of the State Board of Education. The cost factors (weights) are assigned by law in Section 236.081(1)(c).

Program	Cost Factor
1. Basic Programs	
a. Kindergarten and grades 1, 2, and 3	1.234
b. Grades 4, 5, 6, 7, 8, and 9	1.00
c. Grades 10, 11, and 12	1.10
2. Special programs for exceptional students	
a. Educable mentally retarded	2.30
b. Trainable mentally retarded	3.00
c. Physically handicapped	3.50
d. Physical and occupational therapy part-time	6.00
e. Speech and hearing therapy part-time	6.00
f. Deaf	4.00
g. Visually handicapped part-time	10.00
h. Visually handicapped	3.50
i. Emotionally handicapped	3.50
j. Emotionally disturbed	3.70
k. Socially maladjusted	2.30
l. Specific learning disability part-time	7.50
m. Specific learning disability	2.30
n. Gifted part-time	3.00
o. Hospital and homebound part-time	15.00
3. Special vocational-technical programs	
a. Vocational education I	4.26
b. Vocational education II	2.64
c. Vocational education III	2.18
d. Vocational education IV	1.69
e. Vocational education V	1.40
f. Vocational education VI	1.17
4. Special Adult General education programs	
a. Adult basic education and adult high school	1.28
b. Community service	.675

The allocation from the FEEP for each district for current operation is determined by the FTE student membership in each program multiplied by the cost factor for such program. Adjustments are provided for district cost differentials.

District cost differentials are based on the Florida Price Level Index prepared by the Florida Department of Administration.

Using the cost factors shown in the table above and the Full-time Equivalent (FTE) value as funded by the legislature for any given year, it can be seen that higher cost programs generate more FEEP dollars than basic programs. Thus, the FEEP in Florida recognizes and provides for the greater relative need for educating pupils in programs which impose a higher than average cost per child. A recent study by the Florida Department of Education indicates that the basic programs are underfunded when compared with the high cost programs.

In addition to the basic FEEP allocations outlined above, Florida law also provides for certain general and transitional categorical programs. These categorical programs include such programs as pupil transportation, community schools, text books and a number of other programs. Allocations are based on various formulae which provide equitableness among the sixty-seven districts. Also, the State Legislature this year established and funded a State categorical Compensatory Education Program.

Each district is required to make a minimum financial effort as a local contribution to the Florida Education Finance Program. This is prescribed in General Appropriations Act for each year. For FY 1978, a district millage levy of 6.4 mills will be required. The districts do not exercise control over the revenues resulting from the required minimum financial effort. In effect, it goes into the FEEP funds for distribution on the basis of FTE and cost factors. Each district school board desiring to participate in the state allocation of funds for current operation may levy no more than 8 mills of tax on the non-exempt assessed valuation for school purposes of the district. It is legal, although difficult, for a district to vote additional taxes on itself under the provisions of the State Constitution. Thus, for all practical purposes a district school board may set a district tax levy between the required financial effort and 8 mills. For the current school year, FY 1978, each district must levy between 6.4 mills and 8 mills.

The above limitations leave an optional maximum of 1.6 mills (8 mills less 6.4 mills) which a district may levy to obtain "local funds" in addition to those provided by the FEEP.

In summary, applying the criteria for distribution of Part B funds given in Section 403(a)(4) of P. L. 93-380, other than the enrollment factor, tends to provide dissimilar educational opportunities in our state. Trying to devise a formula which is acceptable to the United States Office of Education and at the same time serves the needs of the school children in this state can be likened to placing the round peg in the square hole. Any relief that the Congress can provide will be greatly appreciated.

Recommendation: The legislation should be amended to allow maximum flexibility in approval of state plans for distribution of funds.

3. Problem: Separate entitlements for administration of Parts B and C

The Title IV setaside for administration should be changed to ensure that five percent of the part B funds are available for part B administrative purposes, and five percent of part C funds are available for part C administrative purposes. Under existing law, administrative funds are not tied to the two program parts and as a result, in many states, the part B program has received an insufficient and inequitable share of the consolidated administrative funds. In some states, activities of the State Advisory Councils, indirect costs assessed by state governments, and other related assessments have consumed an inordinate amount of the

Title IV administrative funds, leaving a very small amount for the purposes of either part B or part C.

Recommendation: Legislation should be amended to ensure separate entitlements for administration of Parts B and C.

4. Problem: Conflict in Application of non-supplanting requirement (434(b)(1)(A)(IV)) in General Education Provisions Act and of maintenance of expenditures from non-federal sources in ESEA, IV (134.21)

There is a conflict in the application of the non-supplanting requirement as stated in the General Education Provisions Act and in the application of the requirement for maintenance of expenditures from non-federal sources as stated in ESEA-IV which, in essence, destroys flexibility at the local level. Such conflict should be removed.

Recommendation: A single maintenance of effort clause should be enacted in the General Education Provisions Act which would be applicable to education programs generally with flexible options in regard to state, district, and program determination. Any conflicting requirements stated in legislation for specific programs should be deleted.

5. Problem: Annual Program Plan (134.10)

The initial Annual Program Plan should provide an operational structure to enable the State Educational Agency to administer a program which is consistent with both State needs and with the law. Such plan should provide sufficient detail to allow management and program functions to be performed effectively and efficiently.

Once the initial plan is approved by the United States Office of Education, only those sections of the plan which are revised substantially should be submitted for review and approval by the United States Office of Education.

Recommendation: The section in the General Education Provisions Act should be amended to provide for an initial comprehensive program plan and thereafter require only amendments or annual updates of that plan.

6. Problem: State Advisory Council (134.51) (134.55)

The Florida State Advisory Council is composed of seventeen members, appointed by the State Commissioner of Education. The Council is broadly representative of the educational and cultural resources in the State and of the lay public. School library/media representation is included on the Council; however, such representation is not specifically required by the legislation. The Council membership meets the requirements of Section 403(b)(1)(A) of the Act, and persons from the State Educational Agency are not included in the membership.

The Florida Department of Education provides technical assistance and support services to the Council as needed by the Council to perform its advisory functions. To date, an excellent working relationship exists between the State Advisory Council and the State Educational Agency. In fact, much of the success of the Florida Title IV program can be attributed to the individual and collective contributions of this prestigious and industrious group.

If the Council is to serve the program in an advisory capacity, then it should advise the State Educational Agency on matters related to the preparation of the Annual Program Plan, in the setting of program policy, and in the establishment of program priorities.

However, it would appear that the wording of Section 403(b)(1)(C) ("evaluate all programs and projects assisted under this title") is an administrative rather than an advisory function. Certainly, the Council should have access to the results of all program and project evaluations conducted by the SEA. This information must be provided if the Council is to perform its advisory functions efficiently and effectively. However, the State Education Agency, rather than the State Advisory Council, should be responsible for the evaluation of programs and projects supported under Title IV. A partnership in policy and performance should be the goal in the relationship between the State Advisory Council and the State Educational Agency.

Recommendations:

I. It is recommended that Section 403(b)(1)(A)(iii) be amended to read:

"fields of professional competence in dealing with children needing special education because of physical or mental handicaps, specific learning disabilities, severe educational disadvantage, and limited English-speaking ability or because they are gifted or talented, and or professional competence in guidance and counseling; and in school library media services;

II. It is recommended that Sections 403(b)(1)(C) and 403(b)(1)(4) of the Act be deleted.

(C) "evaluate all programs and projects assisted under this title"

(4) "Each State advisory council shall be authorized to obtain the services of such professional, technical, and clerical personnel, and to contract for such other services as may be necessary to enable them to carry out their functions under this title, and the Commissioner shall assure that funds sufficient for those purposes are made available to each council from funds available for administration of the State plan."

That Section 403(b)(1)(B) and Section 403(b)(1)(D) be amended to read:

(B) "advise the State Educational Agency on the preparation of, and policy matters arising in the administration of the State plan, including the development of criteria for the distribution of funds, the approval of applications for assistance under this title, and the evaluation of all programs and projects assisted under this title."

(D) "prepare at least annually and submit, through the State educational agency, a report of its activities and recommendations together with such additional comments as the State Educational Agency deems appropriate, to the Commissioner."

7. Problem: Single Application (134.17)

Because the purposes and procedures of Parts B and C are different, the single application requirement poses many administrative problems. In theory, the single application concept appears to be an excellent idea. In practice, it creates confusion, frustration, and needless expense.

By necessity, Part C must have a lengthy detailed application which requires a great deal of time to complete. Part B needs can be met with a relatively short, uncomplicated application which takes correspondingly less time to complete. As a result of the submission date, program managers for both Part B and Part C usually wait until the deadline to submit management plans. Thus, the Part B approval and authorization process is slowed to accommodate the Part C process, resulting in encumberance of Part B funds very late in the school year.

Since Part B is a flow-through program, each school district in the State submits an application for Part B funds whereas only a limited number of school districts submit applications for Part C funds which are competitive by nature. Thus, duplication of forms to accommodate both programs results in unnecessary expense.

To further compound this problem, the consolidated application may result in one grant per year to a district under Part B and in several grants to the same district under Part C. Since each grant supports a separate project, a separate management plan for each grant is necessary to assure proper planning, management, and performance accountability.

To add to the confusion of the single application, maintenance of effort must be computed in a different manner for Part B and for Part C.

Recommendation: The law should be amended to permit separate application for each proposed program which would result in a grant to a local educational agency under the Act.

8. Problem: Entitlement under the Act for program administration

Under the law, the maximum amount a state can use for purposes of administration is 5%. Using the 5% cap, Florida's 1978 projected entitlement to administer the ESEA, Title IV-B program is $260,702. When this amount is reduced by an indirect cost rate of 20.4% and an annual inflation rate of 8.3%, the State Education Agency has $175,881 "real dollars" to administer a complex program. Obviously, this amount is inadequate to acquire the human and material resources needed: to perform State Educational Agency functions; to meet the needs of the State Advisory Council; and to provide vital support services, leadership activities, and technical assistance to direct ESEA, Title IV-B personnel.

Recommendation: That the State Educational Agency entitlement to administer the ESEA, Title IV program be increased from 5% to 7½%.

9. Problem: Office of Education budget limits technical assistance to the states

Several times during the past year requests for technical assistance from members of the Office of Education professional staff were denied the state of Florida due to a lack of travel funds in the OE budget.

Recommendation: Provide sufficient travel funds in the Office of Education budge to support requests for technical assistance.

AMERICAN INSTITUTES FOR RESEARCH
IN THE BEHAVIORAL SCIENCES
P.O. Box 1113, 1791 Arastradero Rd., Palo Alto, Ca 94302 ● 415/493-3550

August 9, 1977

Mr. Carl D. Perkins, Chairman
Committee on Education and Labor
Subcommittee on Elementary, Secondary
and Vocational Education
B-346C Rayburn House Office Building
Washington, D. C. 20515

Dear Mr. Perkins:

Thank you for the invitation to submit written testimony for your hearing record summarizing the findings of Project LONGSTEP relevant to ESEA Title IV-C.

In response to your request, I am enclosing a statement which I have prepared with the assistance of my associate Dr. Gary Coles.

If you have any specific questions, or if we can be of any further assistance, please contact me.

Very sincerely yours,

Albert B. Chalupsky, Ph.D.
Senior Research Fellow

ABC:cd
encl.

MAJOR POLICY IMPLICATIONS OF PROJECT LONGSTEP FINDINGS FOR ESEA TITLE IV-C

The American Institutes for Research, under the sponsorship of the U. S. Office of Education, recently completed a large-scale study of the effects of educational innovation. The major emphasis of this study, Project LONGSTEP (Longitudinal Study of Educational Practices), was to investigate the effectiveness of highly intensive, innovative educational practices upon student achievement on standardized tests.

The 13 school districts that participated in the study are located in nine states. They were selected for participation because of their use of intensive and highly innovative school practices. Altogether, some 30,000 students, 80 schools, and 1,500 teachers cooperated in the study during its three years of data collection (the 1970-71, 1971-72, and 1972-73 school years).

The findings of Project LONGSTEP have been mistakenly interpreted by some as a sweeping criticism of all innovative practices. A more accurate interpretation of the findings, however, is that new educational techniques per se will not automatically guarantee dramatic improvements in student achievement.

Because of the current controversy between proponents of traditional educational approaches and proponents of innovative educational practices, the study has been of great interest to the public, to educators and researchers, and to the news media. The American Institutes for Research and the U. S. Office of Education have, in fact, received thousands of requests for project LONGSTEP final reports during the six months since they were released.

Since the study's findings also have implications for pending legislation, we appreciate this opportunity to clarify the major policy implications of Project LONGSTEP and to provide our recommendations to the Subcommittee on Elementary, Secondary and Vocational Education concerning possible improvements in legislation for educational innovation. Our findings and recommendations have been organized into four major question areas:

1. Does Educational Innovation per se Have a Dramatic Impact on Achievement?

The most important and well-documented finding of Project LONGSTEP was the lack of either substantial or consistent association between student growth in achievement (as measured by standardized achievement tests) and the amount of school emphasis on innovation in their language arts and mathematics programs. In fact, some of the evidence suggested that students enrolled in programs with a more moderate emphasis on innovation showed greater improvement in test scores. Further, our analyses showed that, on the average, these findings applied equally well to students at different socioeconomic levels and at different pretest levels. The expectation that substantial average yearly gains in student achievement would occur for a sample of intensive, innovative school programs was not supported by Project LONGSTEP.

These findings imply that educational quality is not synonymous with innovation and that innovation should not be viewed as the final or complete answer. Rather, it is more realistic to expect--and the Project LONGSTEP data support this expectation--that some changes will be improvements, some changes will be detrimental, and some changes will not matter at all. In short, the findings of Project LONGSTEP suggest that more innovation is not necessarily better education.

2. Can Schools Have a Substantial Impact on Educational Achievement?

Even though overall project findings showed that dramatic school effects were not associated with intensity of educational innovation, different educational approaches did produce meaningful and important differences in student achievement, especially in the early elementary grades. Unusually large gains in reading, language arts, and arithmetic skills, over and above those expected on the basis of pretest and socioeconomic background, were found in a number of the participating schools. However, these gains were not related to the amount of school emphasis upon innovation.

3. Should Education Return to the Traditional 3-R's Approach?

Our research does not imply that schools should stop experimenting with new school practices nor should they indiscriminately discontinue "innovative" practices and replace them with more "basic" approaches to instruction. Selected innovative strategies as well as traditional strategies will undoubtedly prove to be valuable. In designing the kinds of educational programs to be implemented in a given community, all important factors in the educational process should be considered--the characteristics of students, parents, and teachers, and the available resources. We suggest that educators identify and select those strategies which are the most appropriate for the educational goals of their communities, recognizing that every change will not necessarily be a change for the better. To ensure that valuable approaches are retained and ineffective strategies are discontinued, educators should be encouraged to gather evidence as to which aspects of their programs are most effective for their students.

4. What Does the Experience of Project LONGSTEP Suggest for Improving Federal Legislation?

As indicated previously, we would like to emphasize that Project LONGSTEP should not be viewed as providing evidence for the ineffectiveness of all innovative school practices. Neither does it support the value of all traditional approaches. Our experiences, and those of other researchers as well, suggest that there are no automatic guarantees of success in education, no matter what educational program strategies are adopted, whether they be innovative, traditional, or some mixture of new and old educational practices.

Educational innovation, like the more traditional approaches, should be considered a means to an end, and not an end in itself. We are concerned that education projects may be funded primarily on the basis that the methods used are new or innovative. There is a danger in being overly concerned with the uniqueness or originality of the technique rather than with its promise in solving a significant educational problem.

Therefore, we recommend that financial support continue to be provided for experimental projects, but only when there is strong reason to believe that the proposed approach--whether it be totally new, a mixture of new and traditional practices, or an adaptation of traditional approaches--is appropriate for the students, teachers, and parents involved and is likely to achieve an important educational goal.

To ensure that valuable approaches are retained and that ineffective approaches are dropped or modified appropriately, we would like to recommend that (1) all federally funded education projects be rigorously evaluated from their beginning, (2) sufficient resources be provided to accomplish this goal, and (3) findings regarding the implementation process and the impact on students be taken into account when making decisions concerning the funding of education projects.

Prepared for the Subcommittee on Elementary,
Secondary and Vocational Education

By: Albert B. Chalupsky, Ph.D.
Senior Research Fellow and Director,
Project LONGSTEP

Gary J. Coles, Ph.D.
Senior Research Scientist

American Institutes for Research
Palo Alto, California

August 1977

Gulfport Municipal Separate School District
P. O. Box 220
Gulfport, Mississippi 39501

August 10, 1977

Honorable Carl D. Perkins, Chairman
Subcommittee on Elementary, Secondary,
and Vocational Education
B-346C Rayburn House Office Building
Washington, D. C. 20515

Dear Congressman Perkins:

There are several things that have been accomplished by Title IV of the Elementary and Secondary Education Act. Title IV-B has provided funds for learning resources, equipment, guidance and testing without which local school districts would not be able to finance with local and state funds. The allowing of local discretion in the expenditure of funds in the above mentioned categories allows local education agencies to place funds directly where they are most needed. Title IV-C has provided startup money to replicate proven programs and has also provided startup money for programs innovative or exemplary in nature. The single application has eliminated paper work for school districts.

I feel that there are few problems with programs as they are now structured. Consolidation has worked well in Mississippi. However, I feel that the program should remain as it is for several years without further consolidation. I hope that these views will be of benefit to your subcommittee.

Sincerely,

Mercer B. Miller, Chairman - Miss. Title IV
Superintendent Advisory Committee

MBM/a

State of West Virginia
Department of Education
Charleston
25305

DANIEL B. TAYLOR
STATE SUPERINTENDENT
OF SCHOOLS

August 8, 1977

Carl D. Perkins, Chairman
Subcommittee on Elementary, Secondary and Vocational Education
B-346C Rayburn House Office Building
Washington, D. C. 20515

Dear Congressman Perkins:

I appreciate your invitation to express my views on the accomplishments, problems and needs related to ESEA Title IV programs and more specifically to the guidance, counseling and testing components of the Elementary and Secondary Education Act.

I have been with the West Virginia Department of Education for eight years and have been in a position to observe the changes that have taken place as we have progressed from NDEA V-A, ESEA Title III to ESEA Title IV legislation. Over the period of these eight years I have seen an increase in needs and demands for guidance, counseling and testing services but at the same time the funds available to develop these services have become less.

Before I pursue a justification of the above statement, I would like to identify for you the accomplishments we have made in West Virginia with funds from ESEA Title IV. Our accomplishments fall in three catagories: leadership activities, field benefits and improvement of testing programs. Over the past four years the Division of Special Education and Student Support Systems has worked closely with counselors, counselor supervisors and counselor educators throughout the State in the development of materials and resources that would assist school counselors in improving the quality and appropriateness of services provided to students they serve.

Some of the major outcomes of these cooperative efforts have been the development of elementary, junior high and high school guidance and counseling models. These models are designed to be of assistance in clarifying and communicating appropriate roles of school counselors in various school levels in West Virginia.

A program development procedure has also been designed and field tested. These program development procedures include conducting needs assessment, formulating multi-faceted committees to examine pertinent data regarding existing programs, and then establishing procedures, goals and objectives for delivery of the programs, and finally evaluating the implemented programs.

Professional development activities have been a high priority with the Division. Most of our professional development has been done on an inservice basis working with counselors already employed. The emphases of these endeavors have been in the area of program development and have utilized the previously mentioned program development design and the three guidance models. We have focused on career development, services to exceptional children, and group guidance and counseling procedures as secondary priorities for professional development.

Field benefits have primarly been in the form of additional guidance media, materials and testing services. There have been a few instances in which counties have employed counselors with Title IV-B funds but this has been a rare situation. It is estimated that only 9% of Title IV-B funds go directly into guidance, counseling and testing services. The major part of that is utilized for media and materials.

The State County Testing Program has benefited from Title IV-C funds. During the past two years West Virginia has purchased new test instruments and developed a sophisticated reporting and scoring procedure for all students in grades 3, 6, 9 and 11. The purchase of these new instruments, related printing, scoring and distribution costs were very high. State funds met most of the cost of the new program, however, Title IV-C funds offset the cost of testing students from private and parochial schools. Our State County Testing Program is now considered to be one of the most comprehensive state programs in the Nation. In addition to state level services, many counties have chosen to use some parts of their Title IV-B allocations for the purchase of supplementary test materials and scoring services. Such purchases may prove to be beneficial to the counties as they utilize the results to improve services and programs for their students.

The major problems that I have observed in the present structure of Title IV programs are in two areas. One is funding and the other is the lack of leadership and technical assistance from the Office of Education.

Over the eight years of my employment with the Department the funds available for guidance, counseling and testing for leadership activities at the state level have remained constant. The amount has been twenty thousand dollars since 1969. During the same time the demands for services from the Division have increased and intensified. We in the Division have been very involved and interested in the effective implementation of career development activities, training counselors to meet the needs of the exceptional children (who are appearing in ever greater numbers throughout the State), and the improvement of skills and training of counselors in those job related areas that have not in the past been a part of their pre-service training. There is also a critical need to intensify our efforts with program development design and a need to field test and implement a guidance program evaluation system as a critical component of the program development design.

The second category of problems relates to the structure of Title IV programs. At this time no specific person or groups of persons within the Office of Education have been given direct program responsibilities in the area of guidance, counseling and testing. Due to the nature of legislation, guidance, counseling and testing has been placed with media and materials and administratively the responsibilities for guidance, counseling and testing have been handled by persons with media and materials backgrounds. I believe the individuals working in administration of these funds at the state level have performed their jobs as assigned and in all fairness have been very receptive of input from those of us in guidance, counseling and testing. They have encouraged involvement of our Division in carrying out program and administrative responsibilities. I believe, however, that there is an inclination, due to their background and training in the area of media and materials, to place greater emphases on media and materials demensions of Title IV-B programs. This is a very natural and predictable occurance. The reverse situation would have probably existed had personnel with guidance, counseling and testing backgrounds been placed in administrative roles within Title IV-B.

The above stated problems indicate need for changes in Title IV programs relevant to both funding and administration. An increased level of funding is needed to provide personnel and other resources to carryout state level leadership activities that would result in comprehensive, consistent and effective delivery of guidance counseling and testing services to students in West Virginia. Funding is also needed to stimulate the expansion and improvement of programs within our 55 counties. To facilitate the expansion and improvement of programs, it is essential that an office for guidance, counseling and testing be reinstated within the Office of Education. This office could handle matters of funding, administration and technical assistance needed to improve and strengthen the leadership effort of West Virginia and other state educational agencies.

My words will not be adequate to emphasize the importance of effective programs of guidance counseling and testing to our system of education. Counselors in West Virginia and throughout the country strive on a daily basis to assist students to improve their self-concept, interact effectively with those around them, develop good decision-making skills, and be knowledgeable of their environment as it relates to personal-social, career and academic development. These are essential ingredients for our youth as they grow, develop and prepare to become contributing members of society. This sizable task requires new skills and additional resources. Each of these goals must be met if we are to deliver on the promises of quality education that we as educators and legislators have made to the citizens of West Virginia and the Nation.

I appreciate this opportunity to respond to your request and hope that the concerns identified will be given careful consideration as you and members of your sub-committee meet to consider new directions for elementary, secondary and vocational education.

Sincerely,

Keith C. Smith

Keith C. Smith, Director
Special Education and Student Support Systems

KCS:his

State of Arkansas
DEPARTMENT OF EDUCATION

DIVISION OF FEDERAL PROGRAMS
ARCH FORD EDUCATION BUILDING   LITTLE ROCK, ARKANSAS 72201

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DIRECTOR

August 10, 1977

The Honorable Carl Perkins, Chairman
Committee on Education and Labor
Subcommittee on Elementary, Secondary
and Vocational Education
Congress of the United States
House of Representatives
B-346C Rayburn House Office Building
Washington, D. C.   20515

Dear Mr. Perkins:

Thank you for your gracious invitation to me to submit a statement of my views on Title IV of the Elementary and Secondary Education Act.

On the enclosed statement, I have attempted to limit these comments while adequately addressing this important Title of the Education Amendments of 1974, Public Law 93-380.

It would be my pleasure to offer further testimony if you should deem it advisable.

Sincerely,

(Mrs.) Corliss M. Howard
Coordinator, School Library Resources
Title IV, ESEA, Part B

CMH:dm

Enclosure

"An Equal Opportunity Employer M-F"

TITLE IV, ESEA
STRENGTHS, PROBLEMS, RECOMMENDATIONS

Submitted to The Honorable Carl Perkins, Chairman
Committee on Education and Labor
Subcommittee on Elementary, Secondary
and Vocational Education
Congress of the United States
House of Representatives

Statement by (Mrs.) Corliss M. Howard
Coordinator, School Library Resources,
Title IV, ESEA, Part B
Arkansas

August 10, 1977

Title IV, ESEA, in the State of Arkansas, functions as an integral part of the State Educational Agency. Its principal design is to improve the quality of education for children enrolled in public and private non-profit schools from K-12. All districts recognize that Title IV funds are used to supplement services rather than to supplant such, and an honest attempt is made to work within this aegis.

The positive impact on the instructional program has been outstanding and each component is complementary to the other according to the intent of the Law.

The advance funding provision has been a godsend in planning and execution of those once-categorical components under Part B.

The Advisory Council's function is a necessary strength and though unchanged in its previous integrity, we do offer recommendations for amending which will be addressed later in this statement.

Since the original program purposes of the seven components consolidated under Title IV, ESEA, Parts B and C, were maintained, in the new Act, the States were able to implement the program with less difficulty than had been anticipated. Although the combination of components was a "strange mixture", to say the least, Arkansas and most other states have been able to identify commonalities and accompanying differences and come up with an acceptable mix.

PART B - STRENGTHS

Part B, composed of School Library Resources, Textbooks and Other Instructional Materials, Instructional Equipment, Minor Remodeling and Other Instructional Materials and Guidance, Counseling and Testing, has commanded attention from State Educational Agencies and Local Educational Agencies in its implementation because of its basic strengths heretofore unrequired or overlooked. Reference in this regard is made to the following provisions:

1. Local discretionary authority in the use of funds.
2. The accountability requirement: maintenance of effort, measurable objectives, needs assessment statement, narratives and specificity in approvable items for purchase.
3. The mandatory requirement for inclusion of private, non-profit school participation in funding.
4. The requirement of standards to be developed by State Educational Agencies.
5. Strengthening the covert stipulation that Local Educational Agencies make decisions on expenditures based on goal statements and objective needs data.

Probably because of the organizational structure in the State Educational Agency, the size of the state and the amount of the Grant, the task force approach for administration is working well.

PART B - PROBLEMS

Several problems can be immediately identified:

1. Allotments based entirely on an enrollment basis which results in reduced funding for Local Educational Agencies with small enrollments.
2. Formula distribution development to meet the needs of a wide variety of Local Educational Agencies.
3. Limited technical assistance because of the inflexibility of administrative fund use.
4. Inclusion of Guidance, Counseling and Testing as a Part B component.
5. The single application concept attempting to combine two distinctly different programs - the outright grant and the competitive.
6. Lack of definition for the term "substantial".
7. Misinterpretation, by Local Educational Agencies of local discretionary authority and maintenance of effort provision. (In Arkansas, in FY 1978, we expect to see an improvement in this area because of the quality of additional technical assistance by the State Educational Agency given in this area).

PART C

In Arkansas, fewer problems have been experienced in the administration and implementation of Part C - Strengthening Local Educational Agencies, Supplementary Educational Centers and Services, Nutrition and Health and Dropout Prevention. This is understandable mainly because of the consistent integrity of the original purposes of former Title III in three of these components and the strengthening only of accountability in the former Title V, Strengthening Local Educational Agencies.

In Arkansas, smooth administration may be attributable to tight proposal and facilitative requirements.

The Advisory Council is a strong and viable force, and the quality of technical assistance is satisfactory.

In exchanges from other states, a common problem earlier in the Advisory Council's function has been the need for Council members to grasp the comprehensive responsibility for advising on seven different program components rather than on one program.

Please allow me to offer the following RECOMMENDATIONS for changes in legislation and/or administration:

1. Amend the legislation to relieve the responsibility of the Council to "evaluate all programs" and substitute the provision that the Council "shall advise and assist with the evaluation of all programs".
2. The Advisory Councils should become increasingly aware that Title IV consists of two programs - B and C - administered under one Plan.
3. Provide enough flexibility in allocating Part B funds to enable funding of Local Educational Agencies with small enrollments at a level consistent with the effort required to file an application.
4. Consider permitting large Local Educational Agencies with a concentration of private schools in the area to use a percentage of its Part B allotment to cover costs of administering the program.
5. Eliminate the need for extensive annual revision of the Annual Program Plan.
6. Amend the legislation to remove the eligibility of funding counselor salaries with Part B funds.
7. Legislation should give attention to stating Guidance, Counseling and Testing needs of pupils in required rather than permissive language. This may well be facilitated by placing this component under Part C rather than Part B.
8. Include the provision for Special Purpose Grants under School Library Resources, Textbooks and Other Instructional Materials as was approvable under Title II.
9. Relaxation of the academic subjectmatter area requirement for audiovisual libraries under the Instructional Equipment component under Part B.
10. Provide a definition for the term "substantial".

State of Arkansas
DEPARTMENT OF EDUCATION
DIVISION OF FEDERAL PROGRAMS
ARCH FORD EDUCATION BUILDING LITTLE ROCK, ARKANSAS 72201

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DIRECTOR

September 8, 1977

The Honorable Carl Perkins, Chairman
Committee on Education and Labor
Subcommittee on Elementary, Secondary
and Vocational Education
Congress of the United States
House of Representatives
B-346-C Rayburn House Office Building
Washington, D. C. 20515

Dear Mr. Perkins:

As you consider amendments to Title IV of the Elementary and Secondary Education Act, Public Law 93-380, I respectfully request that attention be given to the composition of the State Advisory Council.

It is my studied opinion that the Law should be amended to include a person or persons on the State Advisory Council representing libraries and/or media centers. This person or persons should be an active media specialist. This is a crucial area which should also have representation on the Council.

If I may, I would like this to become a part of my statement mailed to you on August 10, 1977.

Thank you for your consideration.

Sincerely,

Corliss M. Howard

(Mrs.) Corliss M. Howard
Coordinator, School Library Resources
Title IV, ESEA, Part B

CMH/dw

"An Equal Opportunity Employer M/F"

STATE OF NEW MEXICO
DEPARTMENT OF EDUCATION — EDUCATION BUILDING
SANTA FE – 87503

LEONARD J. DE LAYO
SUPERINTENDENT OF PUBLIC INSTRUCTION

August 9, 1977

The Honorable Carl D. Perkins
Chairman, Committee on Education & Labor
Subcommittee on Elementary, Secondary
and Vocational Education
B346C Rayburn House Office Building
Washington, D. C. 20515

Dear Mr. Chairman:

As you requested in your letter of July 26, I am pleased to submit these comments regarding PL 93-380, ESEA Title IV-B.

Title IV-B has been well received by New Mexico school districts. The Local Education Agencies have been very supportive of the discretionary aspects allowed under the consolidation. We have written state guidelines that strongly urge district administrators to appoint a planning council, representing librarians, guidance counselors, teachers, curriculum specialists and Private Nonprofit personnel, to plan how funds will be used to benefit children. This has been very successful because of the demands put upon the local school community for communication and coordination.

Although a good library media program is of primary importance to a quality educational program, I enthusastically support the flexibility of the ESEA Title IV-B legislation. The program has helped to provide learning resources to all New Mexico children and substantially benefited small, isolated Local Education Agencies.

Please consider the following items during the hearings on ESEA Title IV:

1. Since B and C receive separate grant awards, each grant award should include a percentage for administration based upon the total amount received for each part.
2. Large budgets for the Advisory Council are hampering staff from carrying out the goals and objectives of the program.
3. Purpose 3: Testing, Guidance and Counseling seems to be misplaced under Purpose 3 in Part B of ESEA Title IV. A great deal of confusion has been created in the

The Honorable Carl D. Perkins
Page Two
August 9, 1977

districts concerning the eligibility of items under this purpose and the ineligibility of items under the other two purposes (mainly services and supplies). P. L. 93-380 seems to be mixing "apples and oranges." Purpose 3 would be more appropriately placed in vocational education legislation.

4. Federal regulations should be rewritten to more clearly define and clarify such terms as "equitable" and "substantial" and "maintenance of effort" should be altered to take into consideration local expenditures to determine participation (to head off library media program funds being used as the district's "discretionary" pot).

Thank you for the opportunity to discuss ESEA Title IV-B.

Sincerely,

Dolores H. Dietz

Dolores H. Dietz
Coordinator, Title IV-B

DHD/dg

ROBERT L. BRUNELLE
COMMISSIONER
NEAL D. ANDREW, JR.
DEPUTY COMMISSIONER

DIVISION OF INSTRUCTION
64 N. MAIN STREET
CONCORD 03301

STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION

August 8, 1977

The Honorable Carl D. Perkins
House of Representatives
B-346C Rayburn House Office Building
Washington, D.C. 20515

Dear Sir:

Thank you for providing me an opportunity to comment on the effect of Title IV of the Elementary and Secondary Education Act. I find it personally gratifying that your committee has extended an invitation to those of us who are on the front lines of the action to relate to the House Education Committee our impressions of the impact of this legislation.

I think that the consolidation brought about in Title IV is having a positive impact on the schools in our state. Although the total amount of funding has not changed significantly the language of the Act has stimulated both our Department of Education and our local educational agencies to look at how effectively they had been utilizing the older categorical funds and how they might take better advantage of the funds under Title IV.

In my opinion the biggest gain has been with Part B. Although the "local discretion" has caused some trauma among those who had been used to counting on an annual supplement to their school's budget, the overall effect is becoming more positive. School districts are beginning to look more carefully at the educational needs of the children in their schools rather than at material needs and to develop programs to meet these needs. Part B funds are being sought to purchase supplementary materials and/or services to compliment these programs. In a few cases school districts have outlined plans for using these funds for two or three years while addressing this need.

In our own Department of Education the consolidation has provided the stimulation to look at the interrelationship of personnel. Staff members who were involved in the former categorical programs have spent hundreds of hours studying the implications of the Act and planning how it might be administered most effectively to carry out the intent of Congress. Professional consultants outside of the Title IV program have also taken part in the discussions, and have worked with personnel at the local level to help them see how Title IV funds might be used for supplementary materials and services.

We have made substantial gains in making Part B a more truely consolidated program. Yet, there is an inequality in the language which allows for salaries to be paid for guidance services but not for library services. This issue should be carefully reviewed by your committee as we find that is a barrier to bringing these two disciplines together in close cooperation.

Another positive aspect of Title IV has been the forward funding. This has enabled our staff to work more closely with local districts who wish to plan their program in advance. It also enables us to make our grant awards available to them in a timely manner.

There have been fewer changes in Part C as the result of the consolidation because the language was not changed too much from that of ESEA Title III. We have found that several school districts have generated programs that address their local needs while using funds from both Parts B & C.

Two years of working with Title IV have provided some insight into problems that have arisen due to the way the Act was written. Perhaps the most glaring problem encountered in our state was the changes in the allocation formula for Part C. As the "floor" from the ESEA Title III authorization formula did not become part of the language of Title IV we in New Hampshire were unable to initiate any new programs at the local level during FY '76. Fortunately Congress recognized this problem and amended the appropriations for FY '77 and FY '78. I would hope that Congress would make this an important consideration during the rewrite of the Act.

One of the most time consuming tasks for us has been the collection of data on Part B maintenance of effort. I think that the intent of Congress in this direction is laudable but its implementation is difficult. The New Hampshire school accounting system does not provide for easy identification of "programs described in section 421 (a)". To comply with this section clerical personnel must go through local budgets and separate guidance-related salaries and related expenditures from those of other programs; instructional equipment purchases from purchases of non instructional equipment, and expendable instructional materials from expendable instructional materials. This is time consuming and many of the smaller school districts are questioning whether they wish to continue particiaption in view of the small per pupil allocations. I would like to suggest that your committee seriously consider a maintenance of effort formula that could be collected from the information that is submitted by each district in their financial report to the state and which would be the same for all federal education programs. The formula used for ESEA Title I might be appropriate.

The requirement of a single application form should be reviewed. Where Part B funds are awarded on the basis of a formula there should be an allowance provided for a different submission date.

The requirement that the State Advisory Council evaluate all programs funded under the Act should also be reviewed. Our council is made up of dedicated members who have devoted a great many hours to their responsibilities. They are not, however, individuals who have individual skills in evaluation and as such look at this task with a great deal of concern. We have worked with our council to establish a design for evaluating programs at the local level, utilizing the contracted services of an external evaluator. It is still too early to see how well this procedure will work since the first cycle of Title IV projects did not finish until this past June. No matter how well it turns out, I would suggest that the present language places too much responsibility on the shoulders of non-paid individuals and should be modified to a more subjective form of evaluation, or that this requirement be removed.

The number of administrative tasks required of the Department of Education continues to increase. Part B programs must be evaluated. Maintenance of effort must now be collected from non public schools. At the same time inflation is decreasing the ability of our office to comply with these demands. We will soon be faced with the need to reduce the amount of personnel to perform these tasks unless the amount of the administrative allocation is increased.

In retrospect, should there be a further consolidation of programs such as proposed in the Bellmon-Domenici bill, I would urge that there be no "transitional year" as there was for Title IV during FY '76. This did nothing to ease the confusion at the local level and simply added to the amount of paper work at both the state and local levels.

In closing I would like your committee to know how much the efforts of personnel in the U.S. Office of Education have helped us to implement Title IV. They have organized national and regional workshops, have visited our state, and have always lent their support to problems we have presented to them by mail or telephone. Without this support our progress would not have been nearly as great.

Thank you once again for providing me with this opportunity. I hope that you will find these suggestions to be worthy of your consideration.

Sincerely,

John B May

John B. May, Coordinator
ESEA Title IV

JBM/mcd
cc: Commissioner Brunelle

THE STATE OF WYOMING
DEPARTMENT OF EDUCATION
HATHAWAY BUILDING
CHEYENNE, WYOMING 82002

ROBERT G. SCHRADER
STATE SUPERINTENDENT

10 August 1977

The Honorable Carl D. Perkins
Chairman, Subcommittee on Elementary,
Secondary and Vocational Education
B-346C Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Perkins:

Thank you for your letter of July 26, 1977 in which you invite comment on Title IV of the Elementary and Secondary Education Act. You indicate that you would especially like to know what I feel has been accomplished with the programs. To provide that information very specifically as it affects students and their performance would require more detail than I believe you want.

In general, I would like to state that under Title IV-B there are relatively few non-participating school districts in Wyoming, thus most of the student population is affected by the distribution of those funds and the resulting learning resources.

Under Title IV-C we have successfully maintained the program component in the State Department of Education relating to the strengthening of leadership of state education agencies. In addition we have implemented programs and projects upon local application for strengthening local leadership. We have maintained support for innovative and exemplary promising programs in education under IV-C, and we have maintained or implemented new programs for the education of the handicapped.

While the amount of funds available and the competitive nature of Title IV-C would preclude statewide successful participation, all districts have had an opportunity to apply for programs and projects funded under IV-C. I believe we have successfully carried out the intent of Congress with this program. As for the problems in administrating the programs as they are now structured, I would offer these additional comments for your consideration.

A major problem in the early stages of implementation was associated with the provision for staged implementation from the prior categorical programs to the consolidated program in which we were to conduct the old programs at the 50 percent level and the new consolidated program at the 50 percent level. While we are past that provision, with respect to Title IV, should any future consolidation be under consideration, please consider the need for appropriate lead time for states to make the conversion, but do not provide that both programs will run simultaneously in a given year.

Congressman Carl D. Perkins
page 2
10 August 1977

Another problem with the current structure relates to the requirement for a single local district application. We can accept the provision that the State Department must establish a single cutoff date for receiving local district applications through its own requirements, but local school districts should have the opportunity to submit applications outside of that deadline at their own initiation. It seems to me that the attempt to cut down on paper work and the confusion around the multiplicity of application deadlines was a sound feature, but perhaps it was over reacted to.

I believe the Congress could and should act to restrain state education agencies in what they may require a local district to do, but perhaps local districts should be afforded some flexibility if it is to their advantage.

I believe another point of issue is the current status of understanding of what constitutes "maintenance of effort." It appears to me that the concepts of maintenance of effort and supplanting are somewhat confused as evidenced by the type of data that is required in conjunction with the maintenance of effort question. It appears that something is in conflict in either law or the regulation, or the general operating procedures that the U.S. Office of Education follows. Our problem arises from being prohibited from collecting maintenance of effort data in order to determine eligible districts in the state and calculate tentative allocation under IV-B in a timely fashion prior to the local district application for the funds. It appears that the current ruling is that this sort of data collection constitutes pre-application and is prohibited under the single application provision in the law.

Being a less populated state, Wyoming has had to suffer through the problems of obtaining supplemental appropriation of a hold harmless nature sufficient to bring us up to prior funding capabilities. This is because of strict formula distribution language contained in the law. Unless the original appropriated amount is sufficient to distribute the money to all states in large enough quantities to provide at least the floor provisions of the categorical programs, then there should be a hold harmless provision either in the Title IV legislation or in the appropriations bill.

I am certain that you will receive all types of comments and views about Title IV. Let me indicate to you that I believe Title IV has worked reasonably well in Wyoming and has been generally more successful throughout the country than many people would care to admit.

Sincerely,

Melvin H Gillispie

Melvin H. Gillispie
State Director of Program Services

MHG/ef

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
ALBANY, NEW YORK 12234

August 11, 1977

The Honorable Carl D. Perkins, Chairman
Subcommittee on Elementary, Secondary and
Vocational Education
House of Representatives
Congress of the United States
B-34 C Rayburn House Office Building
Washington D.C. 20515

Dear Congressman Perkins:

Thank you for your letter of July 26th and the invitation to respond in writing regarding the consolidated programs authorized under Title IV of the Elementary and Secondary Education Act.

You asked for information on what I feel has been accomplished under the Title IV programs; what problems I see with the programs as they are now structured; and whether I feel there is a need for any changes in the legislation or the administration of the programs. I will only be speaking to the Title IV-C program which is under my supervision but not including that portion concerning "Strengthening State Leadership." You will be hearing from Commissioner Gordon Ambach on these concerns.

Three hundred forty-five IV-C projects are currently operating in New York State. Of these, 180 are developer grants, 37 validation grants, 48 demonstration grants, and 80 replication grants. Five hundred seventy-two mini IV-C projects (under $3,000 each) are also operating. We expect 295 more districts to be replicating Title IV-C programs by June 1978.

We refer to our program and the four grant types as "Transferring Success." This is a strategy whereby Title IV-C funds are used in a number of competitive ways.

Of most importance, funds are provided to validate exemplary programs already in operation, for demonstrators who have passed the rigorous test of validation and are now ready to show others how they might successfully adopt the program, and for districts that seek to replicate the program being demonstrated. Our intent is to increase the number of adoptions of these high quality low cost programs.

To summarize our accomplishments, we are attempting to use our IV-C funds in such a way that school districts will replace costly and ineffective programs with those IV-C programs which have been verified as effective, of high quality, and cost controlled.

The management of our program is enhanced by the involvement of over 30 professionals who represent various units and bureaus of the New York State Elementary, Secondary and Continuing Education branch. These persons prepare criteria for program content, review applications, and assist districts in program implementation, monitoring and evaluation at no cost to our IV-C administrative funds.

The problems that we have with some of these programs as they are now structured can usually be traced to the restrictions imposed by current Title IV-C legislation and regulations. For example, we have problems in timing and in scheduling districts who are ready to replicate but must wait up to a year to file under the single application - annual filing date as stated in law. It is understandable that when IV-C and IV-B were established through the consolidation of a number of other programs, that application forms under those programs were also to be consolidated. But the consolidation of the applications should have stopped at B and C rather than to have combined the two parts. Since B is a formula program and C a competitive one, it is virtually impossible for us to administer each program under this restriction.

The single filing date poses problems in other ways. There are occasions when we need to have competition for IV-C funds several times a year. For example, our Board of Regents most recently launched a "Competency-Based Education" program which generated a considerable amount of interest from the field. We would liked to have offered planning grants to districts which were anxious last June to begin planning and operating this past summer. Under the single filing and annual application legislation, we were unable to meet this need.

A further problem has to do with those districts which are ready to adopt a demonstrator's program. For example, a district interested in adopting a program this past June must wait until March 31, 1978 to file an application, and then start six months after that if IV-C funds are desired. Obviously, enthusiasm and motivation wanes over this period of time. Given these few examples, we ask that a single application be expected only of Title IV Part C, and that Part B be allowed to nave their own. Both Parts B and C should have no restrictions on number or choice of dates to file.

From time to time, project budgets need to be amended and in some cases supplemented to accommodate unexpected changes that occur as a result of program implementation. Therefore, we ask that legislation be considered which allows Part C projects to be amended or supplemented as deemed necessary by the administrative office of Title IV Part C at the State level.

We are also having difficulty with the directive from the Office of Education calling for annual competition among all districts whether they are applying for a new grant or a continuation grant. It is our feeling that those who already have a developer grant should not have to compete against all others each year of the three year developer grant period. The current situation places considerable stress upon those districts operating developer grants who must face this insecurity for a number of months each spring while waiting to learn whether they may continue another year or not. This poses personal problems to those who are staffed in the local IV-C program. The high turn-over among staff members who wish not to be in such insecure positions has created problems with program continuity. Further, most districts need to have at least three years of funding if the program to be developed is to show any benefits to the target population. Therefore, the State ought to have the right to assure the continuation of these grants barring no serious deficiencies detrimental to continued successful operation. The multi-year grant arrangement as allowed does not alleviate this need since districts have extreme difficulty in drawing up specific objectives and activities for a three year period.

As a result of the many grant types that we have in operation at this time, one can see the need for providing State leadership to the demonstration sites and, in particular, to the replication sites. We are faced with administrative problems created by inflation and the rising salary schedules to meet the cost of living to the point where we no longer have sufficient administrative funds to meet the growing need for additional staff. Therefore, we strongly recommend that the current 5% administration allowance be increased to the 7½% level as it was under ESEA Title III.

I hope these few important concerns will be studied by your subcommittee. Thank you for the opportunity given me to express them.

Sincerely,

Mark B. Scurrah

Mark B. Scurrah

Andrews University Berrien Springs, Michigan 49104 (616) 471-7771

August 17, 1977

The Honorable Carl D. Perkins, Chairman
House Committee on Education and Labor
Subcommittee on Elementary, Secondary
and Vocational Education
United States House of Representatives
B346C Rayburn House Office Building
Washington, D. C. 20515

My dear Mr. Perkins:

I appreciate very much your invitation to share with the subcommittee my views on the Elementary and Secondary School Act Title IV programs and to write specifically on what I feel the act has accomplished, what problems have accompanied it and what changes I would recommend for the subcommittee's consideration.

For six years I have served as a member of the State of Michigan's State Advisory Council for ESEA Title IV B and C; for the last four years I have served as the Council's chairman.

I write first to your question regarding the accomplishments of this act, accomplishments which I feel have been most significant in elementary and secondary education. I am enclosing for your information a copy of a recent publication of the National Association of State Advisory Councils which is entitled Keys to Innovative Educational Practices and which highlights twenty-five projects from across the country--projects funded by Title IV monies and projects judged by competent, impartial observers as ones which work. These projects are, of course, not all of those which have had a significant impact on education but were chosen to represent the many hundreds of projects from every state which have been funded by Title IV funds and have been judged to have had a significant impact on the education of young Americans. As an example of this impact on education I recently wrote, as Chairman of the Michigan State Advisory Council, to each member of the Michigan delegation to the House of Representatives and told them of the 122 projects presently being funded in Michigan at a dollar level of $11,841,768 and having impact on more than 150,000 school children. It was interesting for me to see that each Congressional District in Michigan had received a substantial amount of funds and was the location of projects involving many children. That the impact of ESEA Title IV has been significant in every part of Michigan as it has been throughout the country is illustrated by the Michigan publication, 25 Educational Programs that Work, a publication which is similar to the national publication mentioned above and which is also enclosed.

May I also mention that ESEA Title IV is, for most school districts, the only source of funding for experimental and demonstration projects. If a teacher or a school administrator has an idea which he/she believes should be tried and it requires a substantial or even a very minimal amount of funding, most school districts have little or no funds which can be allocated to such a project. Local funds are closely monitored as they should be, and little or no amounts can be assigned to projects which are experimental or have any novel or risk factor. The resources available through Title IV, especially Part C, are for most districts the sole source of funds for experimental and/or innovative projects. This is a most important accomplishment of ESEA Title IV and richly deserves continued Congressional support.

I wish to comment now on the second part of your request, that concerning problems which have arisen from this legislation. The consolidation of the several programs of old Title III into the new Title IV has, in my judgment, created such problems in two general areas about which I would like to comment. Specific recommendations will follow in the last part of this letter.

The first of these problem areas upon which I shall comment has to do with the bringing together of many programs under the one umbrella of Title IV, supplementing the former Title III experimental and innovation emphasis (with specific areas of guidance and the handicapped receiving special attention) by adding new areas of health and nutrition, drop-out prevention, learning resources and media. These new areas each have made necessary the careful selection of State Advisory Council members or the addition of such new members as will reflect the necessary expertise to enable the Council to carry out its duties.

At the present time the Council, in order to carry out its mandated functions, needs members who either have training in or can present expertise to the Council in these areas: elementary education, secondary education, higher education, special education (for the physically, mentally or emotionally handicapped), learning resource centers (including the various media), health and nutrition, drop-out prevention, guidance and counseling, business and industry, the parochial schools, students at the three levels of our public schools, and the general public. It is, of course, true that a single Council member may bring to the Council expertise in several of these areas. Nonetheless, consolidation has brought problems regarding the efficient operation of an advisory council in view of the large number of constituencies which must be represented and the large number of educational areas in which Council members must exhibit at least limited expertise.

The second problem area which, in my judgment, deserves comment, is that regarding the evaluation function of the Advisory Council. The advisory functions of state advisory councils had been reasonably well established under old Title III before the consolidation of the various new programs under Title IV. This advisory function was essentially continued under the consolidation of Title IV, but councils were also asked to assume an added evaluation function. To some the evaluation function is contradictory to an advisory function, for they maintain that advising on a program which they are later to evaluate may make their original role administrative and not advisory. Nearly all advisory council chairmen and members with whom I have had contact believe that a different approach must be used for each of these two functions. The evaluation function may indeed make the Advisory Council no longer advisory; but it certainly makes advising a much more administrative function than it previously was.

A second part of this evaluation problem deals specifically with the evaluation of the impact of Part B funds. These funds are used in most districts to supplement local and state funds. To evaluate the impact of the Title IV portion of these funds is difficult because although the total impact of such a program can certainly be evaluated, that portion of the impact which can be attributed to the federal funds is essentially impossible to isolate.

Allow me to close this rather long statement by respectfully suggesting some specific recommendations for the subcommittee's consideration.

1. I would recommend continued authorization and funding of ESEA Title IV at least at the level of F479 with appropriate adjustments for inflation. This is essentially the only source of venture capital local schools have, and such funding is essential to good educational development.

2. I would recommend continuation of the present consolidation. The greater flexibility allowed local and state education agencies by this consolidation is welcome and the signs it is beginning to work well at these levels augers well for the future.

3. I would recommend careful study of any additional consolidation of programs into Title IV, with special attention to determine how great an impact the complexity of such new programs would have on the administration of the whole program.

4. I would recommend that the necessity of evaluation as a function of the Advisory Council be reaffirmed and that the use of such evaluation be indicated in the law and spelled out in the Office of Education regulations.

5. Finally, I would recommend that the Congress consider making specific provision within the law for the appropriate funding of advisory councils at a level commensurate with both the advisory and evaluation functions.

I have been honored, Mr. Perkins, by your request to thus present my views to the subcommittee. I am, of course, available to the committee at any time to explain more fully any of these recommendations or to comment on other aspects of this program.

Respectfully yours,

Robert A. Williams

Robert A. Williams
Assistant Dean, School of
Graduate Studies
Chairman, Department of Education

rcs

Enclosures

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GRIMES STATE OFFICE BUILDING • DES MOINES, IOWA 50319

ROBERT D. BENTON, Ed.D., STATE SUPERINTENDENT
David H. Bechtel, M. S., Administrative Assistant
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August 19, 1977

The Honorable Carl Perkins
Chairman, General Subcommittee on
Education
House of Representatives
Congress of the United States
Rayburn House Office Building
Washington, D. C. 20515

Dear Mr. Perkins:

I am pleased to submit this response to you to be entered into the Congressional Record of the House Elementary and Secondary Education Subcommittee's hearings concerning Consolidation, Title IV of Public Law 93-380 (Library and Learning Resources).

Title IV of P.L. 93-380 is an initial attempt at program consolidation at the federal level, which was to provide flexibility and simplification in the administration of federal education programs. The consolidation was to result in: 1) one allocation of appropriations instead of eight; 2) one state plan instead of five; 3) one application from local school districts instead of eight; and 4) two grants to a local education agency instead of eight.

In addition to simplification in administration, Title IV was to provide several new features. First of all, it was to provide for true local decision-making since the local school district would decide, once it received Part B funds, money to be spent for library books, equipment, instructional materials, minor remodeling, and guidance and counseling. This decision process was to be reflective of the needs of the local district.

Title IV was to provide the first thrust at revenue sharing in the truest sense: local districts deciding how to spend their tax dollars with a minimum of state or federal interference. Title IV gives local school districts, instead of state or federal officials, the authority to make these decisions.

Another feature of Title IV, Part B, is that the state education agency must develop a formula for the distribution of these funds among local school districts. Title IV specifies that a state must distribute Part B funds according to the enrollments in public and nonpublic schools except that there must be substantial funds distributed to school districts which have a high tax effort combined with low per pupil expenditures, and also to school districts which have the greatest numbers or percentages of children whose education imposes a higher than average cost.

Another important provision of Title IV is the fact that it is to be forward funded, allowing a local school district to receive its money at the beginning or early in the year and not to be penalized by late appropriations.

The Iowa Department of Public Instruction and its 449 school districts are now beginning their third year of participation in Title IV. I respectfully submit these comments on the major aspects of the law and its intent as specified in H.R. Report 93-805, as well as the administrative rules developed to implement Title IV.

1. Simplification - The intent of Title IV was consolidation of several former federal programs and simplification of applications and administrative procedures; in effect, there has been little or no simplification to the administrative procedures developed at the federal level. Most of the rules and regulations of former categorical programs are now incorporated under Title IV and state and local school districts must maintain most former efforts to comply with Title IV. Generally, Title IV reporting requirements have merely been expanded to include former categorical programs.

Evaluation requirements have also become more complicated. Many small school districts with minimal funding under Part B must write an application, receive application approval, and have on-site evaluations. For example, a school district receiving $1,000 or less must submit an application expressing goals and objectives in measurable terms (complete with evaluation procedures) for such a simple request to purchase a projector, textbooks, etc. This makes for inefficiency in the application and in the evaluation process and requires many staff hours.

2. Single Application - The concept of a single application is certainly desirable if programs which are to be consolidated have the same general purpose and time schedule. However, in the case of Title IV, Part B is a formula grant allocation to all school districts and can be distributed as soon as the state plan is approved at the federal level. This is contrasted by Part C which is a competitive grant based for innovative and exemplary applications, for which only a small percent of local schools apply. Part C applications must receive a complex review process and be judged in competition with the others. Therefore, a different time schedule is required and must be evaluated and approved in a different manner than the Part B applications.

It would be desirable to either have two applications--one for Part B and one for Part C--or at least to have a subpart for these two programs which could be divided and returned for approval on a different time schedule. This would assist local school districts in making wise use of their funds and to have an advance notification for Part B funding. It would also tend to reduce the paperwork in that with the single application, all school districts must receive the total application and instructions even though many may apply for only Part B, which must be different from Part C. This change in the single deadline would also allow greater flexibility in the utilization of the administrative staff--it would spread the review and approval of applications and thus make for greater efficiency.

3. Maintenance of Effort - The maintenance of effort requirement with federal programs has certainly been desirable in the past. Federal program money has been used to supplement and not supplant state and local effort; however, in the case of Title IV with consolidated programs, the maintenance of effort becomes a cumbersome administrative procedure and one that is very difficult to collect accurate data from public schools and more complicated, if not impossible, to collect from nonpublic schools.

Perhaps it is now time to review the concept of supplant versus supplement. With the increased cost of education and the increased burden placed on the tax dollar, and with the additional recognition of the federal government becoming a full partner in the funding of education, perhaps it is time to question whether or not we can continue to have all federal spending as an add-on cost to education by the tax-paying public. Certainly, if not now, sometime in the future this action will reach the point where it cannot afford add-on costs without regard to program effectiveness and efficiency. I believe the full revenue sharing concept should be brought into education by federal programs, if not in all then certainly in most programs. This is not to indicate that the federal programs should not continue certain categorical funding to provide incentives for states and school districts to provide program enhancements for high priority target populations.

In any case, if the maintenance of effort clause is to be continued, a provision should be enacted which is applicable to educational programs generally and which would provide states with flexible options with regard to state, local district and program determinations.

4. Private School Students - The provision to provide services to private school students is admirable. However, the administrative procedures to assure equitable participation are very difficult to achieve. Certain data requirements which are required of public schools are not available on private schools and, in many states, there is neither authority to collect that data nor any responsibility assumed by private schools to submit data. Title IV places all the burden or responsibility on public school administrators for planning, needs assessment, and the application process. These administrators, in many instances, have no way to solicit joint planning for a cooperative application with private school officials.

The question of "What are equitable services?" is one which needs a definition or explanation. How does a small school district that plans to purchase a projector provide "equitable services" to a nonpublic school that wanted textbooks? Title to and control of equipment and staff also become a practical problem.

5. Paperwork Burden - The single application covering Parts B and C, the state plan, evaluation requirements, and the reporting requirements make for a great deal of paperwork on state and local school systems. The state plan which is to be submitted every year is basically a boiler plate of rules, regulations, and procedures given to states by the Office of Education. There are usually minor changes (except for the questioning of the Part B formula) required from one year's plan to another, but the whole plan has to be redone and resubmitted.

Reporting requirements from local districts submitted to the U. S. Office of Education also require a great deal of paperwork and reflect the former categorical programs rather than a consolidated act. Multi-year state plans for a period of the federal program authorization would help and these need not be more than a few pages. Local districts would not even need to make application for Part B funds (which are distributed on a formula grant basis); districts could still report at the end of the project period as to the expenditures of Part B monies.

6. Advisory Councils - The Iowa Department of Public Instruction, as do most state education agencies, makes good use of advisory councils; however, it is questionable whether specific advisory councils should be mandated by law. Certainly, advisory councils could be used to share duties and to reduce the proliferation of needed advisory councils. The Title IV law is specific as to the makeup from designated areas in the educational field and also the duties that it is to perform. Too many of these duties are not advisory in nature, but are somewhat administrative or even policy related, which brings about an undesirable conflict with the role of the State Board of Public Instruction. The advisory council is not only required to perform certain duties, but its expenditures for advisory council activities are required to be reported by the areas of administration, evaluation, and reporting activities.

7. Fifteen Percent--Handicapped - The 15 percent set aside for special education within Part C should be reviewed in regard to the new special education law, Public Law 92-142, which provides categorical programs for the handicapped. The need or the desirability to have this set aside is questionable and, at this time, Iowa is experiencing difficulty with the number and quality of local districts' applications to use 15 percent of Part C funds.

8. Amount of Part C Funds for State - For Part C, provisions should be made in the reauthorization bill for a permanent hold harmless provision for smaller states or a formula adjustment which brings these states up to the floor and still does not penalize larger states.

9. Part B Formula - Part B should be a simplified process involving a direct formula grant allocation to local school districts for use on eligible materials and activities as defined by law. This process is made complex by several factors: 1) the allocation formula itself requiring several high cost factors; 2) the application process which is required for relatively small sums of money; 3) the evaluation process which must be incorporated for such programs as buying textbooks, library materials, or equipment; 4) providing equitable services to private school students and involving private school officials in the planning and assessment of needs; 5) the lack of definition for the word substantial in allocating money in the high cost categories; 6) the "tracking" of money to high cost children or programs; and 7) the Office of Education is still operating with the former categorical programs as it did before the enactment of Title IV; therefore state plans have to pass through several divisions and two bureaus to be approved by former categorical programs officers who apply former categorical programs rules and regulations. Thus, the state plan requires several sign-offs which usually result in required changes or modifications in the state plan which are not only time-consuming but usually delay the approval from the start of a fiscal year which negates the advantage of Title IV being forward funding.

Iowa utilizes the advisory council, and these members work diligently over a period of several months to devise the formula and the State Plan which is submitted for approval to the State Board of Public Instruction, only to be questioned by programs officials in the U. S. Office who impose interpretation of rules after the fact. Iowa is enthusiastic in its endeavor to meet the requirements of the law and would welcome assistance during the planning and development process.

The Iowa Department was reviewed by a "management team" from the U. S. Office of Education in June, 1976. The recommendations of that review are summarized below (all of which were incorporated into the 1977-78 State Plan):

1. Title IV applications should contain data relating to nonpublic school students' participation.
2. If high-cost categories are included in the formula distribution (Part B), then these monies should be "tracked or channeled" to benefits of these programs.
3. Other categories of high-cost students should be considered.
4. Insure that local agencies clearly understand the option of pooling Part B money.
5. Title IV funds should clearly supplement, and not supplant, state and local funds.
6. Rewrite the section of the State Plan concerning Supplementary Centers, Nutrition and Health, and Dropout in more specific measurable terms.
7. List personnel assigned to Title IV administration funds.
8. Develop guidelines for the selection of equipment.
9. Rewrite the section of the State Plan concerning DPI strengthening activities in more specific and measurable terms.

The Iowa Advisory Council also reported to the Office of Education in December, 1976, which in part stated, "The Council has exercised complete responsibility for state administration procedures, but some concerns are expressed for the law itself, the federal rules, and U. S. Office of Education practices.

1. The law should provide more flexibility than a single application and deadline.
2. Part B and Part C are different and should not mandate combination.
3. Simplified application and reduced paperwork should be encouraged instead of proliferation.
4. Application, evaluation, and reporting for Part B should be eliminated or held to an absolute minimum.
5. USOE should reorganize to enhance consolidation instead of proliferating the former categorical programs. Application and reports should incorporate this philosophy also.
6. USOE should coordinate activities nationwide rather than turning this function over to a former advisory group.
7. Further, true consolidation should be encouraged and efficient procedures should be utilized rather than encouraging paperwork and excessive administration procedures and staff.

8. Infringement of Advisory Council policymaking and LEA discretion as it relates to USOE rules and regulations should be avoided.
9. Increased attention should be given to the active involvement of private schools in the planning of projects funded under Title IV.

If the intent of Title IV is to provide for local discretion and decision-making by local districts, the advisory council represents local districts and intermediate agencies, and the State Board of Public Instruction is a lay group which represents all the citizens in the State of Iowa, it seems appropriate that decisions made by these groups of people not be challenged except from a legal basis. It would appear that the basis for the formula allocation could be simplified in order to bring about efficiency in the implementation of these monies.

The philosophy that I am advocating is that the federal money should be allocated and administered much in the same way as state money. We should not set up separate procedures and administrative staffs for federal funds. In Iowa we allocate approximately four hundred million dollars in state aid to local districts, contrasted with approximately twenty-five million dollars of federal aid. If one were to examine the number of employees, administrative requirements, and paperwork burden required in each of these distributions, it is obvious that federal money could be allocated in a more efficient manner and still not commingle funds. Reports could still be received at the close of the year to reflect program achievements and expenditures.

I seek to make the federal government a full contributing and participating partner in education and, thus, eliminate the present situation that for such a small percent of money, we require such an inordinate percent of the paperwork and also the number of administrative people. By establishing more effective and efficient procedures, these staff members, or the money, could be put to better use in providing leadership and direct program services to school districts. I realize that this change in philosophy takes a drastic attitude adjustment, but I feel it is time, with the rising cost of education to the taxpayer, that a new look be taken and that education and the administration of state and federal funds become more efficient and effective.

Mr. Perkins, you and the members of this Subcommittee are to be complimented for your efforts to improve educational programs in this Nation. I trust these comments will be accepted with the same spirit in which they are sent. It is not my intent to demean the current programs, only to make good programs better. I certainly appreciate the contributions of you and the Congressional staff, and I thank you for the opportunity to submit these comments.

Sincerely yours,

James E. Mitchell

James E. Mitchell
Deputy State Superintendent
and Title IV Coordinator

JEM/plb

cc: Mr. John Jennings, Subcommittee on Education
Mrs. Lou Lyons, Iowa Title IV Chairperson

DAVID W. HORNBECK
STATE SUPERINTENDENT

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August 19, 1977

The Honorable Carl D. Perkins, Chairman
Committee on Education and Labor
Subcommittee on Elementary, Secondary
and Vocational Education
House of Representatives
B-346C Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Perkins:

I am very grateful for having been requested to provide to the Subcommittee on Elementary, Secondary and Vocational Education my views on Title IV of the Elementary and Secondary Education Act. My comments shall primarily be limited to Title IV-B. I have also participated with other members of the Maryland State Department of Education who prepared a broader response to your request.

The staff of the Office of School Media Services is responsible for providing leadership, program direction and evaluation, developmental activities, and consultative services to the staffs of the schools in the twenty-four local systems in Maryland. Maryland's students and teachers have greatly benefited from federally funded library media related programs--such as ESEA II, NDEA III, and ESEA Title IV-B. The need for materials, information, and equipment is expanding to a greater degree than local resources can support. In addition to federal funds, local budgets for library media resources have slightly increased each year. However, there still exists rather large gaps in the resource holdings at the building and district levels. Therefore, the present level of funding for Title IV-B is not adequate for accomplishing the overall purposes as stated in the Law. Testimony prepared by the Association of American Publishers, Inc. states that, ". . . This appropriation represents a decrease of $2.7 million, or 1.8%, from the 1973 funding level which provided for only two of the three programs. Inflation alone makes this appropriation insufficient to continue NDEA III and ESEA II at the same level as in previous years."

The Single Application has caused considerable difficulty at both the state and local levels. The planning time, procedures, and purposes of

Parts B and C are quite different. Therefore, it is impractical to anticipate that one project submission date will allow LEA's and SDE's sufficient time to plan, develop, and review project applications.

The amount of administrative funds is insufficient to carry out the full intent of the Law. In Maryland, the five percent set aside has forced us to curtail services and leadership activities to the local educational agencies. The seven and a half percent figure which has been recommended is more realistic.

At the time of consolidation, many persons were wondering what would happen. Even though we have had only a short time to work under the new Regulations, it appears that combining the former categorical programs of ESEA II, NDEA III, and ESEA III into one package has caused considerable problems. The purpose, nature, and very existence of these three areas are not the same. I strongly support and urge the continued consolidation of library resources and equipment; however, guidance, counseling, and testing should be removed from Part B and placed into a new Part. Along with creating a new Part for guidance, counseling, and testing, additional funds should be appropriated. Additional confusion was added to consolidation when the Rules and Regulations which governed the categorical programs were used almost in total for Title IV.

One item eliminated from the NDEA III language which is causing considerable problems is the words, "academic subject areas." Without this phrase there appears little control over what can and cannot be purchased. The school library media program and its resources should be so closely tied to the instructional program that one cannot recognize either as a separate component. All instructional materials are important; however, I don't believe Title IV-B funds should be buying skis, tumbling mats, home economic equipment, and so on.

The maintenance of effort provision has been extremely useful and necessary for the development of school library media collections. However, in its present form it has created several problems. Using the aggregate amount for the three eligible areas under Part B does allow locals to supplant funds. The present methods for obtaining approval for lack of maintenance of effort from the U. S. Commission of Education are quite cumbersome. Compounding all of the problems local school systems are experiencing in balancing their own budgets, they are now required to collect and report maintenance of effort for participating nonpublic school students.

An additional burden has been placed upon the local educational agency because of the requirement that they provide materials, equipment, and appropriate services, on an equitable basis, to nonpublic school children. In theory it sounds like a good endeavor to have all educational agencies within an area plan and develop programs and activities together; however, putting it into practice is another issue. Those local educational agencies in Maryland where a large number of private schools exist are spending considerable time and money - not reimbursable under the present Law - in order to serve nonpublic school students. If this requirement is to be continued, I believe a portion of the funds eligible for nonpublic school students should be made available to cover the costs incurred in providing them services, materials, and equipment. In addition, nonpublic schools should be required to submit all forms, reports, and other needed data which are required of public school systems.

In spite of the views I have expressed, I do believe Title IV-B has provided sound educational experiences to the students of Maryland. I believe the present Law should be re-shaped in places but urge that totally new legislation not be considered. Difficulty is experienced each time a new program is begun for it takes a number of years to get any program totally operational and people re-educated to new procedures.

Mr. Chairman, and members of the subcommittee, I sincerely appreciate this opportunity to share my views with you.

Sincerely,

David Bender

David R. Bender
Administrator, Office of
School Media Services

DRB:cam

DAVID W. HORNBECK
STATE SUPERINTENDENT

MARYLAND STATE DEPARTMENT OF EDUCATION
P.O. BOX 8717, BWI AIRPORT
BALTIMORE, MARYLAND 21240

August 24, 1977

The Honorable Carl D. Perkins, Chairman
Committee on Education and Labor
Subcommittee on Elementary, Secondary
and Vocational Education
House of Representatives
B-346C Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Perkins:

You recently solicited on behalf of your committee reactions on our experiences with developing and administering programs under Title IV of ESEA. I have asked staff of the Maryland State Department of Education who have worked directly with these programs to prepare comments on these matters for the committee's use. You had also written to David Bender, Assistant Director, Division of Library Development, in my department asking for his comments. Mr. Bender participated with other staff in developing the general remarks and I am enclosing his specific remarks on Title IV-B.

The several Titles of the Elementary and Secondary Education Act have, over the years, enabled the States and their LEAs to effect significant improvements in education for the various target groups. ESEA has also proven a major vehicle for demonstrating the Federal interest and concern in education. The most recent consolidation, P.L. 93-380, was enacted to simplify programs and procedures and increase the effectiveness of State and local administration. We are in agreement that such effort is necessary, but our experiences with two years of ESEA consolidation causes us to question whether the present law and regulations really achieve this. We support the position of the Council of Chief State School Officers which requests "modest changes in the law" and "a review of current regulations" to make possible the achievement of the goals and objectives of this legislation. Unfortunately, the regulations which governed the categorical programs were used in large measure when the current regulations were drafted. We believe that some revisions of these are necessary but would not support a complete rewriting at this time. Such a time-consuming process would only compound the confusion with which States and LEAs are obliged to deal.

While consolidation of the several categorical programs is the intent of the legislation, in practice the administration of the programs has resulted more in a juxtaposition of programs than a true consolidation. This becomes especially clear in the administration of Part B of Title IV. The combination of libraries and learning resources with guidance, counseling, and testing--programs with quite dissimilar purposes--causes serious administrative problems for both States and LEAs. Former ESEA Title II and NDEA III, by allocating funds for library materials and equipmnet, provided a broad underpinning for the entire educational function of the schools. Guidance, counseling, and testing, on the other hand, provided specific services to students. The effect of the formula allocation, particularly in smaller LEAs, militates against guidance, counseling, and testing services and encourages the use of funds for purchase of materials in these areas. It is strongly recommended that guidance, counseling, and testing be placed as a separate allotment in Part B or made a separate title under ESEA IV with a separate allocation.

Your office has recently invited SEAs to review the amount of paperwork required of LEAs as a result of federal law and regulation. It is our finding that the burden created by Title IV is substantial. One cause has been a considerable expansion of nonpublic school involvement under Part B and the regulation which requires LEAs to service the nonpublic students. School districts which have large enrollments of nonpublic school children have seen their paperwork responsibilities multiplied many times over. This has caused a serious burden for LEAs during a time of restrictive local education budgets. Requiring LEAs to collect and report maintenance of effort for participating nonpublic schools has further added to paperwork at the local level. Consideration should be given to allowing a percentage of Part B funds to be used for local administrative costs arising in servicing nonpublic students. This percentage could be based on the funding level for nonpublic school children in each LEA. While this would not reduce the amount of paperwork at the local level, it would provide for additional staff to handle it.

The "single application" was designed to eliminate unnecessary paperwork for LEAs and to make the overall administration of Title IV more effective. Quite the contrary has resulted. The incompatibility of the programs brought together in the consolidation has made the single application unworkable. Part B funds are allocated to LEAs on a formula basis with decisions for their use at the local level. This is a comparatively simple administrative process for both States and LEAs. These funds should be at the disposal of LEAs early in the school year to allow adequate time for purchase procedures, etc. Part C Innovation funds, on the contrary, are alloted on a competitive grant basis requiring adequate time for proposal planning and development and a lengthy review process. Additionally, Part C funds support programs which frequently require staffing. Even after approval of Part C proposals time is required for the selection and hiring of staff before the program can become operational. The single application forces a delay in requesting Part B funds dictated by a time frame compatible with Part C. We strongly support separate applications for Part B and Part C (Innovation).

The Council of Chief State School Officers has made several recommendations relative to State Advisory Councils. We support their view. At the end of FY 76, in Maryland, we were confronted with the problem of the Advisory Council hiring. its own staff. We strongly oppose this move and continue to oppose its possibility. It is our position that necessary staff support be provided by SEA staff. In addition to the potential for the development of an outside body in opposition to SEA, which has ultimate responsibility and accountability for administering the law, such a procedure is an additional drain on already insufficient administrative resources.

We also associate ourselves with the CCSSO position recommending that State administrative funds be increased to $7\frac{1}{2}$ percent of the State's total Title IV (Part B and Part C) allotment. Separate administrative allocations have the effect of further fragmenting the effort toward consolidation as enacted in P.L. 93-380. The need for additional administrative monies can be justified by the experience of two years of the 5 percent allotment. Efforts to effect the consolidation of disparate programs while providing substantially more technical assistance to LEAs, has seriously strained the capabilities of limited staffs. The administrative responsibilities associated with Part C (3), former ESEA Title V, both fiscal and programmatic, have had to be carried by State staff with limited administrative funds, since Part C (3) funds cannot be used for State administration. The result has been a reduction in the amount of time staff has been able to provide to LEAs and a limitation on leadership activities by the State.

We conclude by strongly supporting the CCSSO's recommendation for a joint U.S. Office of Education and SEA Review of the present regulations for Title IV Consolidated Programs. It would be extremely helpful if Congress would mandate a cooperative review of these regulations. It is our view that while the legislation provides for the consolidation of programs, federal regulations and their interpretation by the Office of Education, have preserved the categorical nature of the programs. Further, the Office of Education administration of the consolidation is itself categorical, coming as it does from several different divisions.

Another topic for such a joint review of current regulations is clarification of nonpublic school participation in Part C projects. While nonpublic school involvement has always been a requirement under ESEA Title III (categorical) the expanded interpretation of this under Title IV-C, Innovation and Support, and conflicting views from the Office of Education staff have caused considerable confusion at the State level. This has been a severe problem in the Innovation portion of Part C, but it has been even more of a problem in the administration of Part C, Strengthening State and local educational agencies. It has been extremely difficult to obtain clear guidelines in this area from the Office of Education staff. While this is an administrative and regulatory matter, we call it to your attention to suggest the types of problems that have arisen under the consolidation.

Members of the MSDE staff join me in expressing our appreciation for this opportunity to share our experiences in the administration of Title IV consolidation. We trust these remarks may be useful to you and your committee.

Sincerely,

David W. Hornbeck

DAVID W. HORNBECK
State Superintendent of Schools

DWH/rmp